

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 30, 2013

Senate called to order at 11:41 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Albert Tilstra.

Dear God in Heaven: Today we pray for Your gift of contentment, that we may not waste our time desiring more, but learn to use and enjoy what we have.

We may not know everything, but we may know You and Your will. We need not be rich to be generous, nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have good conscience, and having that, we shall have peace of mind and need fear no man.

May we be kind to one another, tenderhearted and forgiving, even as You, for Christ's sake, have forgiven us.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 228, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bills Nos. 320, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 31, 408, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 601 to Assembly Bill No. 9; Senate Amendment No. 741 to Assembly Bill No. 14; Senate Amendment No. 755 to Assembly Bill No. 18; Senate Amendment No. 600 to Assembly Bill No. 131; Senate Amendment No. 860 to Assembly Bill No. 176; Senate Amendment No. 761 to Assembly Bill No. 218; Senate Amendment No. 890 to Assembly Bill No. 246; Senate Amendment No. 707 to Assembly Bill No. 264; Senate Amendment No. 695 to Assembly Bill No. 286; Senate Amendment No. 801 to Assembly Bill No. 312; Senate Amendment No. 759 to Assembly Bill No. 363; Senate Amendment No. 753 to Assembly Bill No. 386; Senate Amendments Nos. 771, 816 to Assembly Bill No. 391; Senate Amendment No. 669 to Assembly Bill No. 440; Senate Amendment No. 599 to Assembly Bill No. 445; Senate Amendment No. 765 to Assembly Bill No. 453; Senate Amendment No. 654 to Assembly Bill No. 486.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 675 to Assembly Bill No. 66; Senate Amendment No. 612 to Assembly Bill No. 205; Senate Amendment No. 866 to Assembly Bill No. 283; Senate Amendment No. 757 to Assembly Bill No. 379.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Joint Resolution No. 9, Assembly Amendment No. 691, and requests a conference, and appointed Assemblymen Bobzien, Carrillo and Grady as a Conference Committee to meet with a like committee of the Senate.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblywoman Kirkpatrick and Senator Denis
For: Assembly Bill No. 506.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.

Subsection 1 of Joint Standing Rule No. 14.2.

Subsections 1, 2, 3 and 4 of Joint Standing Rule No. 14.3.

Has been granted effective: Wednesday, May 29, 2013.

MOISES A. DENIS

Senate Majority Leader

MARILYN KIRKPATRICK

Speaker of the Assembly

Senator Denis moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 12:03 p.m.

SENATE IN SESSION

At 1:16 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all bills and resolutions just reported out of Committee, be immediately placed on the appropriate reading files for this legislative day.

Motion carried.

Senator Smith moved that Assembly Bill No. 150 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 909.

"SUMMARY—Makes an appropriation to the Department of Administration for distribution to Teach for America, Inc. (BDR S-1233)"

"AN ACT making an appropriation to the Department of Administration for distribution to Teach for America, Inc.; and providing other matters properly relating thereto."

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

Section 1. 1. There is hereby appropriated from the State General Fund the following sums to the Special Appropriations Account within the Department of Administration for distribution to Teach for America, Inc., to support education in Nevada:

For the Fiscal Year 2013-2014 \$1,000,000

For the Fiscal Year 2014-2015 \$1,000,000

2. Upon acceptance of the money ~~[appropriated by]~~ distributed pursuant to subsection 1, Teach for America, Inc., shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2014, that describes each expenditure made from the money ~~[appropriated by]~~ distributed to Teach for America, Inc. pursuant to subsection 1 from the date on which the money was received by Teach for America, Inc., through December 1, 2014;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2015, that describes each expenditure made from the money ~~[appropriated by]~~ distributed to Teach for America, Inc. pursuant to subsection 1 from the date on which the money was received by Teach for America, Inc., through June 30, 2015; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Teach for America, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money ~~[appropriated]~~ distributed to Teach for America, Inc. pursuant subsection 1.

Sec. 2. The sums appropriated by section 1 of this act are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2015, by the Department of Administration, Teach for America, Inc. ~~or~~ or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by the Department of Administration, ~~Teach for America, Inc.~~ or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 909 to Senate Bill No. 517 changes the Teach For America appropriation from being directly to the Teach For America program to the special appropriation account within the Department of Administration. The Department of Administration will distribute the monies as appropriate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 874.

"SUMMARY—Makes various changes to provisions relating to license plates. (BDR 43-367)"

"AN ACT relating to motor vehicles; providing for the limited issuance of special license plates to commemorate the 150th anniversary of Nevada's admission into the Union; imposing a fee for the issuance or renewal of such license plates; revising provisions relating to the number of characters required to be contained on a license plate; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill provides for the issuance of a special license plate to commemorate the 150th anniversary of Nevada's admission into the Union. Existing law provides that the regular fees for the initial issuance and renewal of a special license plate are \$35 and \$10, respectively, exclusive of any additional fees which may be added to generate funds for a particular cause. (NRS 482.265) Unlike the fees set forth in existing law, the fee set forth in this bill for the initial issuance of a special license plate to commemorate the 150th anniversary (sesquicentennial) of Nevada's admission into the Union is \$7.50 and there is no basic charge for the renewal of the special license plates, other than the fee that is required to be distributed to the Nevada Cultural Affairs Foundation. Existing law also requires \$35 of the fee

received by the Department of Motor Vehicles for the initial issuance of a special license plate, exclusive of any additional fees which may be added to generate funds for a particular cause, to be deposited in the State Highway Fund for credit to the Revolving Account for the Issuance of Special License Plates. (NRS 482.1805) This bill requires the Department to deposit the \$7.50 received for the initial issuance of the sesquicentennial license plate with the State Treasurer for credit to that Revolving Account. This bill also requires that an annual report concerning the revenues received and expenditures made in connection with the issuance of the commemorative license plates be submitted to the Director of the Legislative Counsel Bureau, and provides that in no event may the commemorative license plates be issued by the Department after October 31, 2016. For a person who is a Legislator of this State, this bill allows the commemorative license plates to be combined with special legislative license plates issued to the Legislator pursuant to NRS 482.374.

This bill also provides that the additional fees collected for the issuance of the plate must be deposited in the State General Fund. The State Treasurer is required to distribute those additional fees, on a quarterly basis, to the Nevada Cultural Affairs Foundation. This bill exempts these special license plates from: (1) the provisions that require a minimum number of applications for the plates; (2) the requirement that the Commission on Special License Plates approve or disapprove the plates; and (3) the limit on the number of separate designs of special license plates that may be issued by the Department at any one time.

Section 5 of this bill deletes the requirement that a redesign of license plates ordered by the Director of the Department: (1) be in colors that are predominately blue and silver; and (2) contain letters and numbers that are of the same size. Sections 6 and 11-19 of this bill delete the requirement that a license plate contain a certain finite number of characters and provide instead that the Director will determine the number of characters to be contained on each license plate.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 8, the Department, in cooperation with the Nevada Cultural Affairs Foundation or its successor, shall design, prepare and issue license plates which commemorate the 150th anniversary of Nevada's admission into the Union, using any colors and designs that the Department deems appropriate.*

2. *The Department shall issue the commemorative license plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that ~~personalized~~ :*

(a) Special legislative license plates issued to a Legislator pursuant to NRS 482.374 be combined with the commemorative license plates if that person:

(1) Qualifies for special legislative license plates issued pursuant to NRS 482.374; and

(2) Pays the fees for the special legislative license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4;
or

(b) Personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is \$7.50, in addition to all other applicable registration and license fees and governmental services taxes. The Department shall deposit the fee collected pursuant to this subsection with the State Treasurer for credit to the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.

4. Except as otherwise provided in this subsection, in addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates a fee of \$20, to be distributed pursuant to subsection 5. The fees otherwise required to be paid pursuant to this subsection must not be charged after the date announced by the Director pursuant to subsection 8.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. For the duration of the collection of such fees, the State Treasurer shall, on a quarterly basis, distribute the fees to the Nevada Cultural Affairs Foundation or its successor to be used for:

(a) A celebration of the 150th anniversary of Nevada's admission into the Union;

(b) Projects relating to the commemoration of Nevada's admission to the Union, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings and structures;

(c) Education relating to the history of the State of Nevada; and

(d) Other projects relating to preserving and protecting the heritage of the State of Nevada.

6. On or before January 1 of each calendar year, the Division of Museums and History of the Department of Tourism and Cultural Affairs shall produce a report of:

(a) Revenues received from the issuance of the commemorative license plates issued pursuant to the provisions of this section; and

(b) Associated expenditures,

➡ and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature or the Legislative Commission, as appropriate.

7. If, during a registration year, the holder of the commemorative license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

8. The Director shall determine and, by public proclamation, announce the last date on which the Department will issue the commemorative license plates. The Department shall publish the announcement on its Internet website. In no case may the date that is determined and announced to be the last date on which the Department will issue the commemorative license plates be after October 31, 2016.

The Department shall not issue:

(a) The commemorative license plates after the date announced by the Director pursuant to this subsection.

(b) Replacement commemorative license plates for those license plates more than 5 years after the date announced by the Director pursuant to this subsection.

Sec. 2. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The Revolving Account for the Issuance of Special License Plates is hereby created as a special account in the State Highway Fund. An amount equal to \$35 of the fee received by the Department for the initial issuance of a special license plate, not including any additional fee which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the State Highway Fund for credit to the Account.

2. The Department shall use the money in the Account to:

(a) Pay the expenses involved in issuing special license plates; and

(b) Purchase improved and upgraded technology, including, without limitation, digital technology for the production of special license plates, to ensure that special license plates are produced in the most efficient manner possible.

3. Money in the Account must be used only for the purposes specified in subsection 2.

4. At the end of each fiscal year, the State Controller shall transfer from the Account to the State Highway Fund an amount of money equal to the balance in the Account which exceeds \$50,000.

5. The provisions of this section do not apply to section 1 of this act.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

- (a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;
- (b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and
- (c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

- (a) Transmit the applications received to the Department within the period prescribed by the Department;
- (b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;
- (c) Comply with the regulations adopted pursuant to subsection 4; and
- (d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

- (a) Charge any additional fee for the performance of those services;
 - (b) Receive compensation from the Department for the performance of those services;
 - (c) Accept applications for the renewal of registration of a motor vehicle;
- or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

- (1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~and~~, *and section 1 of this act*; or
- (2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

- (a) The expedient and secure issuance of license plates and decals by the Department; and
- (b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is \$35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is \$10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to section 1 of this act.

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates . ~~{with colors that are predominately blue and silver. The Director may substitute white in place of silver when no suitable material is available.}~~

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, *or section 1 of this act* without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. ~~Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.~~

~~7.]~~ Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (e) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for ~~coloring,~~ lettering and design that are set forth in this section.

Sec. 6. NRS 482.272 is hereby amended to read as follows:

482.272 Each license plate for a motorcycle may contain ~~[up to six]~~ *a number of* characters, including numbers and letters ~~[.]~~, *as determined necessary by the Director*. Only one plate may be issued for a motorcycle.

Sec. 7. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection ~~[7]~~ 6 of NRS 482.270, ➡ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 8. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➤ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[-]~~ or section 1 of this act.

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 9. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, *or section 1 of this act*, a license plate that ~~is~~:

~~(1) Is approved by the Legislature after July 1, 2005 . ~~is~~ and~~

~~(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.]~~

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. ~~Except as otherwise provided in subsection 6, if,~~ If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➡ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➡ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 10. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[-]~~ *or section 1 of this act.*

Sec. 11. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this State and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom the person is employed,

➡ be issued license plates upon which is inscribed PRESS with ~~[three consecutive numbers.]~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to members of the press.

5. Special license plates issued pursuant to this section are renewable upon the payment of \$10.

Sec. 12. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon

signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,
➔ be issued a set of license plates upon which is inscribed CONSULAR CORPS with ~~{three consecutive numbers.}~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of \$10.

Sec. 13. NRS 482.3755 is hereby amended to read as follows:

482.3755 1. An owner of a motor vehicle who is a resident of this State and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed "CIVIL AIR PATROL" with ~~{four consecutive numbers.}~~ *a number of characters, including numbers and letters, as determined necessary by the Director.* The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker is \$10.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. If a member is dishonorably discharged, he or she shall surrender any of these special plates in his or her possession to the

Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 14. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L GUARD with ~~[four consecutive numbers.]~~ *a number of characters, including numbers and letters, as determined necessary by the Director.* The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of \$5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 15. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and ~~[three or four consecutive numbers.]~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a

form prescribed by the Department and evidence of their status as a survivor required by the Department.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. The fee for a set of special license plates issued pursuant to this section is \$25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is \$5.

Sec. 16. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates inscribed with the words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran, and ~~[three or four consecutive numbers.]~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and *a number of characters, including numbers and letters, as determined necessary by the Director.* ~~[three or four consecutive numbers.]~~

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 17. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and ~~[three or four consecutive numbers.]~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 18. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and ~~{three or four consecutive numbers.}~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 19. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and ~~{three or four consecutive numbers.}~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 20. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act*, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[-]~~, *and section 1 of this act*. The term includes the successor, if any, of a charitable organization.

Sec. 21. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name.....	.50
For every other decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, *and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 22. Notwithstanding the provisions of subsection 6 of section 1 of this act, the report of revenues and associated expenditures that is required to be submitted to the Director of the Legislative Counsel Bureau pursuant to those provisions must be submitted by the Nevada Sesquicentennial

Commission, established by the Governor pursuant to executive order, for the period from the effective date of this act through January 1, 2015.

Sec. 23. This act becomes effective upon passage and approval.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 874 to Assembly Bill No. 24 allows Legislators, upon paying any applicable fees, to request a plate with the combined characteristics of a commemorative plate and the special legislative license plate, including the title of office currently held and district number.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time and ordered to third reading.

Assembly Bill No. 228.

Bill read second time and ordered to third reading.

Assembly Bill No. 408.

Bill read second time and ordered to third reading.

Assembly Bill No. 419.

Bill read second time and ordered to third reading.

Assembly Bill No. 436.

Bill read second time and ordered to third reading.

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 308.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Senate Bill No. 308 simply clarifies that veterans of the Iraq and Afghanistan Wars can participate in the tax exemption currently offered to veterans, which was in statute that expired in 1996. The way the statute is currently written disqualifies them. This bill clarifies things so now these veterans can use this exemption unencumbered.

Roll call on Senate Bill No. 308:

YEAS—21.

NAYS—None.

Senate Bill No. 308 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 848.

"SUMMARY—Revises provisions governing medical care in schools. (BDR 34-831)"

"AN ACT relating to education; providing that a pupil with diabetes must not be prohibited from enrolling in a public school; requiring school nurses or, in certain circumstances, local health officers or the designees of local health officers, to prescribe training programs for employees of public and private schools who volunteer to serve as unlicensed assistive personnel; authorizing public and private schools to provide assistance to pupils with diabetes in the care and management of the disease under certain circumstances; authorizing the parent or legal guardian of a pupil with diabetes to request such assistance; prescribing the duties of unlicensed assistive personnel; providing for the authorization of a pupil with diabetes to self-administer medication and otherwise care for and manage the diabetes under certain circumstances; providing immunity from civil liability for school nurses, unlicensed assistive personnel and other school personnel, the board of trustees of a school district, the governing body of a charter school, the governing body of a private school, local health officers and the designees of local health officers under certain circumstances; providing an exemption for unlicensed assistive personnel from state licensing requirements for practicing nursing in this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill makes various changes relating to pupils with diabetes at a public school or private school. Because charter schools are defined as public schools under existing law, the provisions of this bill that apply to public schools also apply to charter schools. (NRS 385.007)

Section 8 of this bill provides that the board of trustees of a school district, the governing body of a charter school or a principal of a public school shall not: (1) prohibit any pupil with diabetes from enrolling in any public school in which the pupil would otherwise be able to enroll if the pupil did not have diabetes; or (2) require the parent or guardian of a pupil to provide any service or assistance to the pupil to care for or manage the diabetes while the pupil is on the grounds of a public school, participating in certain activities or on a school bus.

Section 9 of this bill requires each school nurse or, if a public school does not have a school nurse, the local health officer or the local health officer's designee, to prescribe a training program for employees of public schools who volunteer to serve as unlicensed assistive personnel ~~if~~ if the school nurse or principal of the school, as applicable, approves a request to provide certain assistance to a pupil with diabetes pursuant to section 10 of this bill. The training program must include certain instruction and be provided by a school nurse, the local health officer or the local health officer's designee, as applicable.

Section 10 of this bill establishes a procedure pursuant to which the parent or legal guardian of a pupil with diabetes in a public school may request that

the public school provide assistance with the care and management of the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. Section 10 authorizes the school nurse or the principal, as applicable, to provide a written notice to all employees of the public school seeking volunteers to serve as unlicensed assistive personnel. The notice must provide that serving as unlicensed assistive personnel is voluntary and that employees who choose not to volunteer will not be subject to any retaliatory or disciplinary action, and must include a description of the training program prescribed pursuant to section 9 that employees must complete to become unlicensed assistive personnel. Section 11.5 of this bill provides for the development of an individualized health plan for a pupil with diabetes by the school nurse or the local health officer or his or her designee, as applicable, upon the approval of a request submitted pursuant to section 10. Section 12 of this bill describes the written authorization that the parent or legal guardian must submit to the school nurse or the principal of the school, as applicable, upon receiving approval of such a request, and section 13 of this bill sets forth the duties of the school nurse or principal, as applicable, upon receiving such an authorization.

Section 14 of this bill sets forth the specific acts that unlicensed assistive personnel may perform in assisting a pupil with diabetes.

Section 15 of this bill provides a procedure pursuant to which a pupil with diabetes may be authorized to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes while on the grounds of a public school, at an activity sponsored by a public school or on a school bus.

Section 16 of this bill ~~requires~~ authorizes the State Board of Education ~~[, in cooperation with the State Board of Nursing,]~~ to adopt necessary regulations to carry out the provisions of sections 3-17 of this bill.

Section 17 provides that a school nurse, unlicensed assistive personnel, other school personnel, the board of trustees of a school district, the governing body of a charter school, local health officers and the designees of local health officers are not subject to civil liability, and a school nurse, unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for certain acts performed by any person in carrying out any duty or authorized activity set forth in this bill.

Sections 19-32 of this bill set forth provisions similar to sections 3-17 which apply to private schools.

Existing law requires a person who practices or offers to practice nursing in this State to be licensed by the State Board of Nursing. (NRS 632.315) Existing law also provides certain exemptions from that requirement. (NRS 632.340) Section 33 of this bill revises those exemptions to include unlicensed assistive personnel who provide assistance to a pupil with diabetes in the care and management of the diabetes in accordance with

the provisions of sections 3-17 or 19-32. Section 34 of this bill provides that any regulation adopted by the State Board of Nursing which conflicts with the provisions of this bill is void and prohibits the State Board of Nursing from adopting any regulation which conflicts with any provision of this bill or any regulation adopted pursuant to this bill.

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

Section 1. NRS 391.208 is hereby amended to read as follows:

391.208 A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in NRS 392.435 to 392.446, inclusive.

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

- (a) A parent or guardian of the pupil;
- (b) Each administrator and teacher directly involved with the education of the pupil; and
- (c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates *any individualized health plan* and any plan specified by the pupil's physician or provider of health care, as defined in NRS 629.031, ~~and~~ which is approved by the pupil's parent or guardian. ~~[The]~~ *Except as otherwise provided in sections 3 to 17, inclusive, of this act, the nursing services provided pursuant to a plan of nursing care must be performed in compliance with chapter 632 of NRS. As used in this subsection, "individualized health plan" has the meaning ascribed to it in section 5 of this act.*

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.

6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

- (a) Professional personnel directly involved with that pupil; and
- (b) The parents or guardian of that pupil.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. *As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 7.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Individualized health plan" means the plan developed pursuant to section 11.5 of this act for a pupil with diabetes.*

Sec. 6. *"Medication" means any medicine prescribed by a provider of health care for the treatment of diabetes, including, without limitation, insulin and glucagon.*

Sec. 7. *"Provider of health care" means a person who is authorized by law to prescribe medication for the treatment of diabetes.*

Sec. 7.5. *"Unlicensed assistive personnel" means the employees of a public school who have received training pursuant to section 9 of this act to provide assistance to a pupil with diabetes.*

Sec. 8. 1. *The board of trustees of a school district, the governing body of a charter school or a principal of a public school shall not:*

(a) Prohibit any pupil with diabetes from enrolling in any public school in which the pupil would otherwise be able to enroll if the pupil did not have diabetes.

(b) ~~Require~~ Except as otherwise provided in section 10 of this act, require the parent or legal guardian of a pupil with diabetes to provide any service or assistance to the pupil to care for or manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. *The provisions of this section apply regardless of whether a public school has a school nurse or unlicensed assistive personnel.*

Sec. 9. 1. ~~*Each*~~ *If a school nurse or, if a public school does not have a school nurse, the principal of a public school approves a request pursuant to section 10 of this act, the school nurse or, if a public school does not have a school nurse, the local health officer or the local health officer's designee, shall prescribe a training program for employees of a public school who volunteer and are determined by the school nurse, local health officer or local health officer's designee, as applicable, to be competent to become unlicensed assistive personnel for pupils. ~~If a public school does not have a school nurse, the local health officer or the local health officer's designee shall prescribe the training program.~~*

2. ~~*The*~~ *A training program prescribed pursuant to subsection 1 must provide instruction by the school nurse, the local health officer or the local health officer's designee, as applicable, in accordance with nationally recognized standards and best practices for diabetes care, in:*

(a) Recognizing the symptoms of hypoglycemia and hyperglycemia;

(b) The appropriate treatment for a pupil who exhibits the symptoms of hypoglycemia or hyperglycemia;

(c) Recognizing situations that require emergency medical assistance to be provided to a pupil; and

(d) The following, based on the individualized health plan of the pupil:

(1) Understanding the appropriate treatment for the pupil if the pupil's blood glucose level is not within the target range identified in the individualized health plan;

(2) Understanding instructions set forth in the individualized health plan concerning necessary medications;

(3) Performing blood glucose and ketone tests and recording the results of those tests;

(4) Administering insulin, glucagon or other medication and recording the results of the administration; and

(5) Understanding the relationship between the recommended diet of the pupil set forth in the individualized health plan and actions which may be taken if the recommended diet is not followed.

Sec. 10. 1. A parent or legal guardian of a pupil with diabetes may submit to the school nurse of the public school in which the pupil is enrolled or, if the public school does not have a school nurse, to the principal of the public school a request that the public school assist the pupil with the care and management of the diabetes while the pupil is on the grounds of ~~the~~ the public school, participating in an activity sponsored by ~~the~~ the public school or on a school bus.

2. Upon receipt of a request submitted pursuant to subsection 1, the school nurse or, if the public school does not have a school nurse, the principal of the public school may provide written notice to employees of the public school seeking volunteers to serve as unlicensed assistive personnel at the public school. The written notice must include, without limitation:

(a) A description of the duties of unlicensed assistive personnel;

(b) A statement that serving as unlicensed assistive personnel is voluntary and that employees who are not otherwise required to provide care to pupils with diabetes and who choose not to volunteer will not be subject to any retaliatory or disciplinary action;

(c) A description of the training program prescribed pursuant to section 9 of this act that employees must complete to become unlicensed assistive personnel; and

(d) A statement that employees who serve as unlicensed assistive personnel are entitled to the immunity set forth in section 17 of this act.

3. Employees who volunteer pursuant to subsection 2 must participate in and complete the training program prescribed pursuant to section 9 of this act to become unlicensed assistive personnel.

4. If the public school has unlicensed assistive personnel, the school nurse or the principal, as applicable, may:

(a) Authorize the unlicensed assistive personnel to provide assistance to the pupil whose parent or legal guardian submitted the request; ~~and~~

(b) Notify the parent or legal guardian of the pupil of the approval and the requirements of sections 11.5 and 12 of this act ~~and~~; and

(c) Require the parent or legal guardian of the pupil to provide to the school nurse or the principal, as applicable, any orders of the pupil's

provider of health care and any supplies that the school nurse or principal determines are necessary.

5. If the public school does not have unlicensed assistive personnel, the school nurse or the principal, as applicable, may notify the parent or legal guardian of the pupil that the ~~request cannot be accommodated~~ school does not have unlicensed assistive personnel available at that time.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. If a school nurse or, if the public school does not have a school nurse, the principal of a public school approves a request pursuant to section 10 of this act, the school nurse or, if the public school does not have a school nurse, the local health officer or the local health officer's designee shall develop an individualized health plan for the pupil in coordination with the pupil's parent or legal guardian. The individualized health plan must be consistent with the diabetes treatment prescribed by the pupil's provider of health care and set forth the services the pupil requires to care for and manage diabetes.

Sec. 12. The parent or legal guardian of a pupil with diabetes, upon receiving approval of a request pursuant to section 10 of this act, shall submit to the school nurse or, if the public school does not have a school nurse, the principal of the public school, on a form approved by the board of trustees of the school district or the governing body of the charter school and provided by the school, a signed statement of the parent or legal guardian authorizing:

1. The school nurse ~~and~~ or unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the individualized health plan of the pupil while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

2. The school nurse or, if the public school does not have a school nurse, the principal to provide notice that the pupil has diabetes to each employee of the public school who has primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the public school or an activity sponsored by a public school.

Sec. 13. The school nurse or, if the public school does not have a school nurse, the principal of the public school, upon receiving the authorization pursuant to section 12 of this act and the development of the individualized health plan of a pupil with diabetes pursuant to section 11.5 of this act, shall:

1. Notify each employee of the public school who has primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the public school or to an activity sponsored by a public school that the pupil has diabetes.

2. Ensure that training is provided to each employee who has primary responsibility for supervising the pupil and each driver of a school bus in recognizing the symptoms of hypoglycemia and hyperglycemia and the proper treatment of a pupil who is hypoglycemic or hyperglycemic.

3. *Ensure the presence of the school nurse or unlicensed assistive personnel during regular school hours and during all school sponsored activities to assist the pupil with the care and management of the diabetes in accordance with the individualized health plan of the pupil.*

4. *Ensure the provisions by the school nurse or unlicensed assistive personnel of the services set forth in the individualized health plan of the pupil to care for and manage the diabetes.*

Sec. 14. *Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the individualized health plan of the pupil, may:*

1. *Test the blood glucose level of the pupil and record the result;*
2. *Test the ketone level of the pupil and record the result;*
3. *Treat a pupil whose blood glucose levels are not within the target range set forth in the individualized health plan;*
4. *Administer insulin, glucagon or other medication to the pupil in accordance with the individualized health plan;*
5. *Ensure that the pupil follows his or her recommended diet; and*
6. *Assist the pupil in performing any act described in this section.*

Sec. 15. 1. *The parent or legal guardian of a pupil with diabetes who is enrolled in a public school may submit a written request to the school nurse of the public school or, if the public school does not have a school nurse, the principal of the public school to allow the pupil to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus, which may include, without limitation:*

- (a) *Performing blood glucose tests;*
 - (b) *Administering insulin, glucagon or other medication;*
 - (c) *Treating hypoglycemia and hyperglycemia; and*
 - (d) *Otherwise attending to the care and management of the diabetes.*
2. *A written request made pursuant to subsection 1 must include:*
- (a) *A signed statement of the pupil's provider of health care indicating that the pupil has diabetes and is able to self-administer the medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and*
 - (b) *A signed statement of the parent or legal guardian indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication or otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.*

3. *Upon receipt of a written request submitted pursuant to subsection 1, the school nurse or the principal of the school, as applicable, shall provide written authorization for the pupil to carry and self-administer medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public*

school or on a school bus. The written authorization must be maintained in the files of the public school and must include, without limitation:

- (a) The name and purpose of the medication which the pupil is authorized to self-administer;
- (b) The prescribed dosage and the duration of the prescription;
- (c) The times at which and circumstances under which the medication is required or recommended to be self-administered; and
- (d) ~~The side effects that may occur from the administration of the medication; and~~
- (e) ~~The name and telephone number of the pupil's provider of health care and the name and telephone number of the person to contact in case of a medical emergency concerning the pupil.~~

4. The written authorization provided pursuant to subsection 3 is valid for 1 school year but may be revoked at any time at the discretion of the school nurse or the principal of the school, as applicable, upon notification of the parent or legal guardian of the pupil. If a parent or legal guardian submits a new written request that complies with subsection 2, the school nurse or the principal of the school, as applicable, shall, except as otherwise provided in this subsection, renew and, if necessary, revise the written authorization.

5. The school nurse or, if the school does not have a school nurse, the principal of the school shall provide the pupil with a private area where the pupil may attend to the management and care of the diabetes upon application by the parent or legal guardian of the pupil.

6. As used in this section, "self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 16. ~~The State Board of, in cooperation with the State Board of Nursing, shall~~ may adopt such regulations as it determines necessary to carry out the provisions of sections 3 to 17, inclusive, of this act.

Sec. 17. School nurses, unlicensed assistive personnel and other school personnel, the board of trustees of a school district, the governing body of a charter school, local health officers and designees of local health officers are not subject to civil liability, and school nurses, unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for any act performed by any person in carrying out any duty or authorized activity set forth in sections 3 to 17, inclusive, of this act, or any regulation adopted pursuant thereto, if the act is performed in such a manner as an ordinarily prudent person would reasonably perform the act under similar circumstances.

Sec. 18. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 32, inclusive, of this act.

Sec. 19. As used in sections 19 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 21 to

23.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 20. (Deleted by amendment.)

Sec. 21. "Individualized health plan" means the plan developed pursuant to section 26.5 of this act for a pupil with diabetes.

Sec. 22. "Medication" means any medicine prescribed by a provider of health care for the treatment of diabetes, including, without limitation, insulin and glucagon.

Sec. 23. "Provider of health care" means a person who is authorized by law to prescribe medication for the treatment of diabetes.

Sec. 23.5. "Unlicensed assistive personnel" means the employees of a private school who have received training pursuant to section 24 of this act to provide assistance to a pupil with diabetes.

Sec. 24. 1. ~~Each~~ If a school nurse or, if a private school does not have a school nurse, the principal or other person in charge of the private school approves a request pursuant to section 25 of this act, the school nurse or, if a private school does not have a school nurse, the local health officer or the local health officer's designee shall prescribe a training program for employees of a private school who volunteer and are determined by the school nurse, local health officer or local health officer's designee, as applicable, to be competent to become unlicensed assistive personnel for pupils. ~~If a private school does not have a school nurse, the local health officer or the local health officer's designee shall prescribe the training program.~~

2. ~~The~~ A training program prescribed pursuant to subsection 1 must provide instruction by the school nurse, the local health officer or the local health officer's designee, as applicable, in accordance with nationally recognized standards and best practices for diabetes care, in:

- (a) Recognizing the symptoms of hypoglycemia and hyperglycemia;
- (b) The appropriate treatment for a pupil who exhibits the symptoms of hypoglycemia or hyperglycemia;
- (c) Recognizing situations that require emergency medical assistance to be provided to a pupil; and
- (d) The following, based on the individualized health plan of the pupil:
 - (1) Understanding the appropriate treatment for the pupil if the pupil's blood glucose level is not within the target range identified in the individualized health plan;
 - (2) Understanding instructions set forth in the individualized health plan concerning necessary medications;
 - (3) Performing blood glucose and ketone tests and recording the results of those tests;
 - (4) Administering insulin, glucagon or other medication and recording the results of the administration; and

(5) *Understanding the relationship between the recommended diet of the pupil set forth in the individualized health plan and actions which may be taken if the recommended diet is not followed.*

Sec. 25. 1. *A parent or legal guardian of a pupil with diabetes may submit to the school nurse of the private school in which the pupil is enrolled or, if the private school does not have a school nurse, to the principal or other person in charge of the private school a request that the private school assist the pupil with the care and management of the diabetes while the pupil is on the grounds of the private school, participating in an activity sponsored by the private school or on a school bus.*

2. *Upon receipt of a request submitted pursuant to subsection 1, the school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school may provide written notice to employees of the private school seeking volunteers to serve as unlicensed assistive personnel at the private school. The written notice must include, without limitation:*

(a) A description of the duties of unlicensed assistive personnel;

(b) A statement that serving as unlicensed assistive personnel is voluntary and that employees who are not otherwise required to provide care to pupils with diabetes and who choose not to volunteer will not be subject to any retaliatory or disciplinary action;

(c) A description of the training program prescribed pursuant to section 24 of this act that employees must complete to become unlicensed assistive personnel; and

(d) A statement that employees who serve as unlicensed assistive personnel are entitled to the immunity set forth in section 32 of this act.

3. *Employees who volunteer pursuant to subsection 2 must participate in and complete the training program prescribed pursuant to section 24 of this act to become unlicensed assistive personnel.*

4. *If the private school has unlicensed assistive personnel, the school nurse, principal or other person in charge of the private school, as applicable, may:*

(a) Authorize the unlicensed assistive personnel to provide assistance to the pupil whose parent or legal guardian submitted the request; ~~and~~

(b) Notify the parent or legal guardian of the pupil of the approval and the requirements of sections 26.5 and 27 of this act ~~and~~; and

(c) Require the parent or legal guardian of the pupil to provide to the school nurse, principal or other person in charge of the private school, as applicable, any orders of the pupil's provider of health care and any supplies that the school nurse, principal or other person in charge of the private school determines are necessary.

5. *If the private school does not have unlicensed assistive personnel, the school nurse, principal or other person in charge of the private school, as applicable, may notify the parent or legal guardian of the pupil that the*

~~[request cannot be accommodated]~~ school does not have unlicensed assistive personnel available at that time.

Sec. 26. (Deleted by amendment.)

Sec. 26.5. *If a school nurse, a principal or other person in charge of a private school approves a request pursuant to section 25 of this act, the school nurse or, if the private school does not have a school nurse, the local health officer or the local health officer's designee shall develop an individualized health plan for the pupil in coordination with the pupil's parent or legal guardian. The individualized health plan must be consistent with the diabetes treatment prescribed by the pupil's provider of health care and set forth the services the pupil requires to care for and manage the diabetes.*

Sec. 27. *The parent or legal guardian of a pupil with diabetes, upon receiving approval of a request pursuant to section 25 of this act, shall submit to the school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school, on a form approved by the governing body of the private school and provided by the school, a signed statement of the parent or legal guardian authorizing:*

1. *The school nurse ~~and~~ or unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the individualized health plan of the pupil while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus; and*

2. *The school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school to provide notice that the pupil has diabetes to each employee of the private school with primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the private school or an activity sponsored by a private school.*

Sec. 28. *The school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school, upon receiving the authorization pursuant to section 27 of this act and the development of the individualized health plan of a pupil with diabetes pursuant to section 26.5 of this act, shall:*

1. *Notify each employee who has primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the private school or to an activity sponsored by a private school that the pupil has diabetes.*

2. *Ensure that training is provided to each employee who has primary responsibility for supervising the pupil and each driver of a school bus in recognizing the symptoms of hypoglycemia and hyperglycemia and the proper treatment of a pupil who is hypoglycemic or hyperglycemic.*

3. *Ensure the presence of the school nurse or unlicensed assistive personnel during regular school hours and during all school sponsored*

activities to assist the pupil with the care and management of the diabetes in accordance with the individualized health plan of the pupil.

4. Ensure the provision by the school nurse or unlicensed assistive personnel of the services set forth in the individualized health plan of the pupil to care for and manage the diabetes.

Sec. 29. Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the individualized health plan of the pupil, may:

- 1. Test the blood glucose level of the pupil and record the result;*
- 2. Test the ketone level of the pupil and record the result;*
- 3. Treat a pupil whose blood glucose levels are not within the target range set forth in the individualized health plan;*
- 4. Administer insulin, glucagon or other medication to the pupil in accordance with the individualized health plan;*
- 5. Ensure that the pupil follows his or her recommended diet; and*
- 6. Assist the pupil in performing any act described in this section.*

Sec. 30. 1. The parent or legal guardian of a pupil with diabetes who is enrolled in a private school may submit a written request to the school nurse of the private school or, if the private school does not have a school nurse, the principal or other person in charge of the private school to allow the pupil to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus, which may include, without limitation:

- (a) Performing blood glucose tests;*
- (b) Administering insulin, glucagon or other medication;*
- (c) Treating hypoglycemia and hyperglycemia; and*
- (d) Otherwise attending to the care and management of the diabetes.*

2. A written request made pursuant to subsection 1 must include:

(a) A signed statement of the pupil's provider of health care indicating that the pupil has diabetes and is able to self-administer the medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus; and

(b) A signed statement of the parent or legal guardian indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication or otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus.

3. Upon receipt of a written request submitted pursuant to subsection 1, the school nurse, principal or other person in charge of the private school, as applicable, shall provide written authorization for the pupil to carry and self-administer medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus. The written

authorization must be maintained in the files of the private school and must include, without limitation:

- (a) The name and purpose of the medication which the pupil is authorized to self-administer;
- (b) The prescribed dosage and the duration of the prescription;
- (c) The times at which and circumstances under which the medication is required or recommended to be self-administered; and
- (d) ~~The side effects that may occur from the administration of the medication; and~~
- ~~(e)~~ The name and telephone number of the pupil's provider of health care and the name and telephone number of the person to contact in case of a medical emergency concerning the pupil.

4. The written authorization provided pursuant to subsection 3 is valid for 1 school year but may be revoked at any time at the discretion of the school nurse, principal or other person in charge of the private school, as applicable, upon notification of the parent or legal guardian of the pupil. If a parent or legal guardian submits a new written request that complies with subsection 2, the school nurse, principal or other person in charge of the private school, as applicable, shall, except as otherwise provided in this subsection, renew and, if necessary, revise the written authorization.

5. The school nurse, principal or other person in charge of the private school, as applicable, shall provide the pupil with a private area where the pupil may attend to the management and care of the diabetes upon application by the parent or legal guardian of the pupil.

6. As used in this section, "self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 31. 1. ~~The Board f, in cooperation with the State Board of Nursing, shall~~ may adopt such regulations as it determines necessary to carry out the provisions of sections 19 to 32, inclusive, of this act.

2. ~~[The]~~ If the Board adopts regulations pursuant to this section, the regulations must be substantially similar to the regulations adopted by the Board pursuant to section 16 of this act.

Sec. 32. School nurses, unlicensed assistive personnel and other school personnel, the governing body of a private school, local health officers and designees of local health officers are not subject to civil liability, and school nurses, unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for any act performed by any person in carrying out any duty or authorized activity set forth in sections 19 to 32, inclusive, of this act, or any regulation adopted pursuant thereto, if the act is performed in such a manner as an ordinarily prudent person would reasonably perform the act under similar circumstances.

Sec. 33. NRS 632.340 is hereby amended to read as follows:
632.340 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.
2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.
3. Nursing assistance in the case of an emergency.
4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.
5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.
6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.
7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.
8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.
9. *Unlicensed assistive personnel from assisting a pupil with diabetes in the care and management of the diabetes pursuant to the provisions of sections 3 to 17, inclusive, or sections 19 to 32, inclusive, of this act. As used in this subsection, "unlicensed assistive personnel" means employees of a public school or a private school who have received training pursuant to section 9 or 24 of this act to provide assistance to a pupil with diabetes.*
10. A natural person from providing supported living arrangement services if:
 - (a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or
 - (b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to

435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

↪ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 34. ~~On or before January 1, 2014, Any regulations adopted by the State Board of Education, in cooperation with the State Board of Nursing, shall adopt regulations pursuant to sections 16 and 31, before July 1, 2013, which conflicts or is inconsistent with any provision of this act, is void, unless the regulation is amended before January 1, 2014, to be consistent with the provisions of this act.~~

Sec. 35. This act becomes effective:

1. On July 1, 2013, for the purposes of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 848 to Senate Bill No. 320 ensures charter schools are included, as they should be. It also specifies that if a nurse or principal of the school, as applicable, approves a request to provide certain assistance to a pupil with diabetes pursuant to Section 10 of this bill making it permissive and making sure it is voluntary. Section 34, which is new in the amendment, provides that any regulation adopted by the State Board of Nursing that conflicts with provisions of the bill is void to ensure regulatory authority remains intact.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 328.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Senate Bill No. 328 requires the Executive Officer of the State Board for Career and Technical Education to appoint a person to oversee programs of career and technical education. The bill also requires 30 percent of State career and technical education funding be used to award competitive grants to school districts and charter schools and 5 percent be distributed to pupil organizations for career and technical education. After these distributions, the bill authorized up to 7.5 percent of career and technical education funding appropriated in any one fiscal year be used to provide leadership and training activities, with the balance of any State career and technical education funding being allocated as grants. The measure establishes that undistributed State career and technical education funding does not revert to the State General Fund and must be carried forward to the subsequent fiscal year. Finally, the bill provides for an evaluation of the effectiveness of the programs that receive career and technical education grant funding from the State. This act becomes effective on July 1, 2013. The bill provides consistency for career and technical education funding, and it also gets businesses involved in helping with the allocation process of career and technical education funding in order to get private dollars to help.

Roll call on Senate Bill No. 328:

YEAS—21.

NAYS—None.

Senate Bill No. 328 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 870.

"SUMMARY—Revises provisions governing assistance provided to indigent persons. (BDR 38-1085)"

"AN ACT relating to public welfare; allowing the Board of Trustees of the Fund for Hospital Care to Indigent Persons to commit money from the Fund to obtain higher rates of reimbursement for hospital care provided to recipients of Medicaid at certain hospitals; allowing the Board to further commit money from the Fund to satisfy the obligation of counties to pay certain matching funds for the nonfederal share of expenditures for certain persons who receive long-term care; revising provisions governing the payment by boards of county commissioners of certain amounts for the provision of care to indigent persons; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law creates the Fund for Hospital Care to Indigent Persons and requires that money in the Fund be used to reimburse or partially reimburse hospitals for certain unpaid charges for hospital care. (NRS 428.175) The Fund is administered by a Board of Trustees. (NRS 428.205) Section 2 of this bill allows the Board to enter into an agreement with the Division of Health Care Financing and Policy of the Department of Health and Human Services to transfer money from the Fund to the Division to be used to provide enhanced rates of reimbursement for hospital care provided to recipients of Medicaid or to make supplemental payments to the hospital for the provision of such hospital care through increased federal financial participation and to satisfy any portion of the obligation of a county to pay the nonfederal share of certain expenditures relating to long-term care. Once such an agreement is entered into and any enhanced rate of reimbursement or supplemental payments are approved by the Federal Government, the Board must continue to provide money pursuant to the agreement until the Federal Government approves reverting to the previous rate of reimbursement or payments.

Section 3 of this bill creates the Hospital Assessment Account ~~in~~ in the Fund for Hospital Care to Indigent Persons. If an agreement is entered into between the Board of Trustees of the Fund for Hospital Care to Indigent Persons and the Division of Health Care Financing and Policy pursuant to section 2, certain hospitals ~~are~~ may be required to pay an annual assessment for deposit into the Account in an amount determined by the Board. Section 3 provides that any money remaining in the Account at the end of a fiscal year

that has not been committed for expenditure is reimbursed to each hospital that paid an assessment in proportion to the amount paid by the hospital.

Existing law requires the board of county commissioners of each county to establish a tax rate of at least 6 cents and not more than 10 cents on each \$100 of assessed valuation for deposit into a fund for medical assistance to indigent persons. Existing law designates that the equivalent of 1 cent of the amount collected is to be remitted to the State Controller and credited to the Supplemental Account for Medical Assistance to Indigent Persons. (NRS 428.285) Section 7 of this bill instead requires that money to be credited to the Intergovernmental Transfer Account in the State General Fund.

Existing law requires certain hospitals to provide a certain amount of free care to indigent inpatients. If the hospital does not meet its obligation, the hospital must pay an assessment in an amount determined by the Director of the Department of Health and Human Services. The assessment is paid to the county in which the hospital is located and is used to pay other hospitals in the county for the treatment of indigent inpatients by those hospitals. (NRS 439B.340) Section 9 of this bill removes the specific limitation on the use of the money collected from assessments. In addition, section 7 requires the board of county commissioners of each county to remit to the State Controller for credit to the Supplemental Account for Medical Assistance to Indigent Persons an amount equal to the amount collected from hospitals as assessments to meet their obligation to provide free care.

Existing law requires the board of county commissioners of each county to include in its final budget each year an allocation of money for medical assistance to indigent persons. Section 8 of this bill instead makes the allocation apply to any assistance to indigent persons. In addition, section 8 allows the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to allocate money from its fund for medical assistance to indigent persons to make an intergovernmental transfer of money to the Division of Health Care Financing and Policy.

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

Section 1. Chapter 428 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The Board of Trustees of the Fund for Hospital Care to Indigent Persons may enter into an agreement with the Division of Health Care Financing and Policy of the Department of Health and Human Services whereby:

(a) *The Board agrees to transfer an agreed upon amount of money each year from the Fund to the Division;*

(b) *The Division agrees to use the money so transferred to include in the State Plan for Medicaid an enhanced rate of reimbursement for hospital care provided to recipients of Medicaid or to make supplemental payments to the*

hospital for the provision of such hospital care through increased federal financial participation and to satisfy any portion of the obligation of a county to pay the nonfederal share of expenditures pursuant to NRS 422.272;

(c) The Division agrees to return any money transferred to the Division pursuant to the agreement if the Federal Government does not approve the enhanced rate of reimbursement or supplemental payments included in the State Plan;

(d) The Board agrees to continue to transfer not less than the same amount of money as the previous year if the State Plan is approved by the Federal Government until the Board has requested the Division to exclude the enhanced rate of reimbursement or supplemental payments from the State Plan and the Federal Government approves the State Plan without such enhanced rates or supplemental payments; and

(e) The Division agrees to exclude the enhanced rate of reimbursement or supplemental payments from the State Plan when it is next submitted to the Federal Government for approval if so requested by the Board.

2. Any money transferred from the Fund to the Division pursuant to this section must not be used to replace or supplant funding available from other sources for the same purpose.

Sec. 3. 1. The Hospital Assessment Account, to be administered by the Board, is hereby created in the Fund. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

2. If an agreement is entered into pursuant to section 2 of this act, each hospital in this State, other than ~~for a hospital operated by a federal, state or local governmental agency or~~ a hospital certified as a critical access hospital by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, ~~shall~~ may be required by the Board to pay an annual assessment for deposit into the Account in an amount determined by the Board to be adequate to provide reimbursement or partial reimbursement to hospitals for uncompensated hospital care based upon the amount paid from the Account during the immediately preceding year.

3. Any money remaining in the Account at the end of a fiscal year that has not been committed for expenditure must be reimbursed to each hospital that paid an assessment pursuant to this section for that fiscal year in an amount proportional to the amount of the assessment paid by the hospital compared to the total amount of assessments collected.

4. ~~The~~ Any assessments required pursuant to this section must be paid at such times as are established by the Board and must be deposited with the State Treasurer for credit to the Account.

*Sec. 4. NRS 428.115 is hereby amended to read as follows:
428.115 As used in NRS 428.115 to 428.255, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms*

defined in NRS 428.125 to 428.165, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 428.175 is hereby amended to read as follows:

428.175 1. The Fund for Hospital Care to Indigent Persons is hereby created as a special revenue fund for the purposes described in NRS 428.115 to 428.255, inclusive ~~[-]~~, *and sections 2 and 3 of this act.*

2. Except as otherwise provided in subsection 3, money collected or recovered pursuant to NRS 428.115 to 428.255, inclusive, *and sections 2 and 3 of this act* and the interest earned on the money in the Fund must be deposited for credit to the Fund.

3. Any money paid by a county pursuant to NRS 428.255 must be accounted for separately in the Fund and must be used to reimburse or partially reimburse a hospital for unpaid charges for hospital care pursuant to NRS 428.115 to 428.255, inclusive, *and sections 2 and 3 of this act* as other claims against the Fund are paid.

4. Claims against the Fund must be paid on claims approved by the Board.

Sec. 6. NRS 428.205 is hereby amended to read as follows:

428.205 The Board shall administer the Fund and for that purpose may:

1. Enter into all necessary contracts and agreements.

2. Purchase appropriate insurance to cover that portion of a claim for which the Fund is liable and which exceeds an amount agreed upon by the Board and the insurer.

3. Employ personnel as necessary and prescribe their compensation and working conditions.

4. Enter into agreements ~~[with the Department of Administration]~~ to obtain the services of consultants, attorneys, auditors, accountants, actuaries and managers of risk.

5. Rent, lease, purchase or otherwise procure or receive real or personal property.

6. Adopt regulations necessary for carrying out the provisions of NRS 428.115 to 428.255, inclusive ~~[-]~~, *and sections 2 and 3 of this act.*

Sec. 7. NRS 428.285 is hereby amended to read as follows:

428.285 1. The board of county commissioners of each county shall establish a tax rate of at least 6 cents on each \$100 of assessed valuation for the purposes of the tax imposed pursuant to subsection 2. A board of county commissioners may increase the rate to not more than 10 cents on each \$100 of assessed valuation.

2. In addition to the levies provided in NRS 428.050 and 428.185 and any tax levied pursuant to NRS 450.425, the board of county commissioners shall levy a tax ad valorem at a rate necessary to produce revenue in an amount equal to an amount calculated by multiplying the assessed valuation of all taxable property in the county by the tax rate established pursuant to subsection 1, and subtracting from the product the amount of unencumbered money remaining in the fund on May 1 of the current fiscal year.

3. For each fiscal year beginning on or after July 1, 1989, the board of county commissioners of each county shall remit to the State Controller from the money in the fund an amount of money equivalent to 1 cent on each \$100 of assessed valuation of all taxable property in the county for credit to the ~~[Supplemental]~~ Intergovernmental Transfer Account ~~[]~~ in the State General Fund.

4. Not later than January 1, 2014, and not later than January 1 of each year thereafter, the board of county commissioners of each county shall remit to the State Controller an amount equal to the amount collected by the board of county commissioners pursuant to NRS 439B.340 for the previous fiscal year for credit to the Supplemental Account.

5. The tax so levied and its proceeds must be excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes.

Sec. 8. NRS 428.295 is hereby amended to read as follows:

428.295 1. For each fiscal year the board of county commissioners shall, in the preparation of its final budget, allocate money for ~~[medical]~~ assistance to indigents pursuant to this chapter.

2. In a county whose population is less than 700,000, the amount allocated must be calculated by multiplying the amount allocated for that purpose for the previous fiscal year by 104.5 percent.

3. In a county whose population is 100,000 or more, the board of county commissioners may allocate money from its fund for medical assistance to indigent persons to make an intergovernmental transfer of money to the Division of Health Care Financing and Policy of the Department of Health and Human Services in accordance with the regulations adopted pursuant to NRS 422.390.

4. When, during any fiscal year, the amount of money expended by the county for any program of medical assistance for those persons eligible pursuant to this chapter exceeds the amount allocated for that purpose in its budget, the board of county commissioners shall, to the extent that money is available in the fund, pay claims against the county from the fund for that purpose.

Sec. 9. NRS 439B.340 is hereby amended to read as follows:

439B.340 1. Before September 30 of each year, each county in which hospitals subject to the provisions of NRS 439B.300 to 439B.340, inclusive, are located shall provide to the Department a report showing:

(a) The total number of inpatients treated by each such hospital who are claimed by the hospital to be indigent;

(b) The number of such patients for whom no reimbursement was provided by the county because of the limitation imposed by subsection 3 of NRS 439B.320;

(c) The total amount paid to each such hospital for treatment of such patients; and

(d) The amount the hospital would have received for patients for whom no reimbursement was provided.

2. The Director shall verify the amount of treatment provided to indigent inpatients by each hospital to which no reimbursement was provided by:

(a) Determining the number of indigent inpatients who received treatment. For a hospital that has contracted with the Department pursuant to subsection 4 of NRS 428.030, the Director shall determine the number based upon the evaluations of eligibility made by the employee assigned to the hospital pursuant to the contract. For all other hospitals, the Director shall determine the number based upon the report submitted pursuant to subsection 1.

(b) Multiplying the number of indigent inpatients who received each type of treatment by the highest amount paid by the county for that treatment.

(c) Adding the products of the calculations made pursuant to paragraphs (a) and (b) for all treatment provided.

➡ If the total amount of treatment provided to indigent inpatients in the previous fiscal year by the hospital was less than its minimum obligation for the year, the Director shall assess the hospital for the amount of the difference between the minimum obligation and the actual amount of treatment provided by the hospital to indigent inpatients. If a decision of a county regarding the indigent status of one or more inpatients is pending appeal before the Director or upon receiving satisfactory proof from a hospital that the decision is pending appeal before a court having general jurisdiction in the county pursuant to subsection 4 of NRS 439B.330, the Director shall defer assessing the hospital the amount that may be offset by the determination on appeal until a final determination of the matter is made.

3. If the Director determines that a hospital has met its obligation to provide treatment to indigent inpatients, the Director shall certify to the county in which the hospital is located that the hospital has met its obligation. The county is not required to pay the hospital for the costs of treating indigent inpatients until the certification is received from the Director. The county shall pay the hospital for such treatment within 30 days after receipt of the certification to the extent that money was available for payment pursuant to NRS 428.050, 428.285 and 450.425 at the time the treatment was provided.

4. The Director shall determine the amount of the assessment which a hospital must pay pursuant to this section and shall notify the hospital in writing of that amount on or before November 1 of each year. The notice must include, but is not limited to, a written statement for each claim which is denied indicating why the claim was denied. Payment is due 30 days after receipt of the notice, except for assessments deferred pursuant to subsection 2 which, if required, must be paid within 30 days after the court hearing the appeal renders its decision. If a hospital fails to pay the assessment when it is due the hospital shall pay, in addition to the assessment:

(a) Interest at a rate of 1 percent per month for each month after the assessment is due in which it remains unpaid; and

(b) Any court costs and fees required by the Director to obtain payment of the assessment and interest from the hospital.

5. Any money collected pursuant to this section must be paid to the county in which the hospital paying the assessment is located. ~~For use in paying other hospitals in the county for the treatment of indigent inpatients by those hospitals.~~ The money received by a county from assessments made pursuant to this section does not constitute revenue from taxes ad valorem for the purposes of NRS 354.59811, 428.050, 428.285 and 450.425, and must be excluded in determining the maximum rate of tax authorized by those sections.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~Sec. 7.]~~ Sec. 11. This act becomes effective [on July 1, 2013.] upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 870 to Senate Bill No. 452 governs the transfer of county indigent-fund transfers to hospitals that provide more or less than the required amount of indigent care according to statute. It puts the Supplemental Indigent Accident levy of \$.01 per \$100,000 of assessed value as able to be used for intergovernmental transfer for the Medicaid program. It also allows Clark and Washoe Counties to use any leftover money from its \$.10-indigent rate to fund the intergovernmental transfer program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 444.

Bill read third time.

Remarks by Senators Segerblom, Settelmeyer, Brower, Hutchison and Kieckhefer.

SENATOR SEGERBLOM:

Thank you, Mr. President. Assembly Bill No. 444 requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty. Last Session, we had a similar bill which was vetoed by the Governor. The sponsor of this bill, who is from the Assembly, looked at the veto message and addressed all of the Governor's concerns. Hopefully, this bill will pass this Body and the Governor will sign it.

SENATOR SETTELMAYER:

Thank you, Mr. President. I appreciate my colleague's opinion on Assembly Bill No. 444. I also appreciate the amendment to the bill. It may have created the opportunity for the bill to, now, make it through. However, I am still concerned. I do not feel it would be a fair and accurate study because I feel the bill lacks the specificity necessary to persuade me that the outcome of the audit performed will be fair. You have over 14 aspects to be looked at including only 3 costs and savings aspects. I am worried we should also be looking at what the overall cost of life in prison is. Also, we should consider what the cost changes would be if we were to change the limits on the number of appeals by right, which are being given, currently. For those reasons, I will be opposing this bill.

SENATOR BROWER:

Thank you, Mr. President. I have looked at the bill, and I have also looked back at the veto message from the Governor from last June. I am not sure I see an improvement between last Session's bill and this Session.

We all know why the death penalty costs too much. It is because the appellate process takes too long and is too complicated. I do not think we need to do an audit to come to that conclusion. The process needs to be streamlined. Yes, it needs to give due process and it needs to give appellate rights to those condemned to death. But, there needs to be a commonsense process that does not take more than a decade. As long as we allow that to happen, it will be too expensive. We need to reform the process, not audit the death penalty. I will have to oppose this bill.

SENATOR HUTCHISON:

Thank you, Mr. President. I have a question for my colleague from Senate District No. 3. Is there going to be an analysis on not only the limitations on the appeal process, but also on the control of the appeal process by defendants endlessly seeking appeals? We all know the most expensive part of death-penalty litigation is the repeated appeals my colleagues have discussed. What I would be interested in under an audit or study is evaluating when and how often a defendant can continue to request an appeal. Is there any limitation on that? If so, what are those limitations? I know other states have imposed limitations on death-penalty appeals.

SENATOR SEGERBLOM:

Thank you, Mr. President. Yes, the audit looks at everything. It is done by our own staff so there is no cost to it. As you know, the current death chamber does not work. This Body has refused to authorize payment for a new death chamber so in the next two years, if we wanted to execute someone, we would not be able to. The audit will analyze the process from when one is first charged with a death-penalty crime, the costs of lawyers and security, appeals—it will look at the whole thing. It will also look at the costs saved. Perhaps if a prosecutor is charging the death penalty, that will encourage more people to plead guilty to a life without parole, which is a cost savings. They will look at the whole gamut. The point is this is a perfect time to study it because right now the death chamber cannot be used to execute anyone, and we will not have one for at least two years.

SENATOR KIECKHEFER:

Thank you, Mr. President. I believe the Department of Corrections testified that they could execute someone if they wanted, using the existing death chamber. They have the ability to improve it for that end if needed. I did disapprove of the expenditure of nearly \$700,000 to build a new death chamber. The testimony was the existing death chamber can be used if necessary.

Roll call on Assembly Bill No. 444:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 444 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 36.

The following Assembly Amendment was read:

Amendment No. 649.

"SUMMARY—Makes various changes concerning unemployment compensation. (BDR 53-371)"

"AN ACT relating to employment; establishing provisions for the collection of money owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation; ~~establishing a waiting period of 1 week as an additional condition of eligibility for unemployment compensation benefits;~~ revising provisions concerning unemployment compensation fraud; providing for the transfer of an employer's liabilities to the Division upon the transfer of the employer's trade or business; prohibiting the relief of an employer's record for experience rating of charges for benefits under certain circumstances; assigning liability for the payment of money owed to the Division upon the transfer of certain assets; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation is authorized to bring actions in district court for the repayment of fraudulently obtained benefits or to recover amounts owed to the Division by persons who commit unemployment insurance fraud. (NRS 612.365, 612.445) Sections 12-19 and 21 of this bill establish an additional method for the collection of such money. This method is modeled after the method used by the Division of Welfare and Supportive Services of the Department of Health and Human Services to enforce a court order that requires a person to make payments for the support of a child. (NRS 31A.025-31A.190) Section 12 provides that if the Administrator obtains a judgment against a person who has fraudulently obtained benefits or committed unemployment compensation fraud, the Administrator may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it to the Division. Sections 13-19 establish provisions for: (1) notifying a person whose income is to be withheld; (2) issuing a notice to withhold income to a person's employer; (3) establishing an employer's duties with respect to the withholding of income; (4) providing penalties for an employer's violation of those duties; and (5) providing an employer with immunity from any civil action for any conduct taken in compliance with a notice to withhold income. Section 23 of this bill revises existing law concerning unemployment insurance fraud by: (1) providing that, in general, the Administrator may issue an initial determination finding that a person has committed such fraud at any time within 4 years after the first day of the benefit year in which the person committed the fraud; and (2) revising other provisions concerning the period during which the person is disqualified from receiving further benefits and the amount of the penalties that may be imposed.

~~f. Existing law provides that an unemployed person is not eligible to receive benefits unless the Administrator finds that the person satisfies certain conditions. (NRS 612.375) Section 22 of this bill adds an additional condition for such eligibility: the person must have been unemployed and~~

~~otherwise eligible for benefits for a waiting period of 1 week within the person's current benefit year, during which no benefits were paid. All but 12 states currently include such a waiting period in their unemployment compensation laws.]~~

Under existing law, an employer's contribution rate is based on the employer's experience rating, which reflects the amount of unemployment compensation benefits that are paid to former employees and charged to the employer's record for experience rating. Existing law also provides for the transfer of some or all of an employer's record for experience rating when the employer transfers its trade or business to another employer. (NRS 612.550) Section 24 of this bill provides that if the transferring employer is liable to the Division for unpaid contributions, interest or forfeits, a percentage of that liability must also be transferred to the other employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.

Under existing law, an employer who receives notice that a former employee has filed a claim for benefits is required to provide the Division with all relevant facts which may affect the claimant's rights to benefits within 11 days after the Division mails the notice of the claim. (NRS 612.475) The amounts of any benefits paid to that claimant are charged to the employer's record for experience rating unless circumstances exist which entitle the record to be relieved of such charges. (NRS 612.551) Section 25 of this bill provides that an employer's record for experience rating is not entitled to be relieved of charges for the amount of any benefits erroneously paid to a claimant if the employer failed to submit timely all the information as required. This change is required to comply with federal law. (Trade Adjustment Assistance Extension Act of 2011, Pub. L. No. 112-40, § 252, 125 Stat. 402, 421-22)

Under existing law, an employer who, outside the usual course of business, sells certain assets and quits business is required to pay to the Division the amount of all contributions, interest or forfeits accrued and unpaid on account of wages paid by the employer up to the date of the sale. If the seller fails to do so within 10 days after the sale, the purchaser of the assets becomes personally liable for the payment of those amounts. (NRS 612.695) Section 26 of this bill extends those provisions to apply in cases of the transfer of the assets of a business by means other than a sale.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)
- Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. *If the Administrator obtains a judgment against a person for:*

1. *The repayment of benefits obtained due to the person's fraud, misrepresentation or willful nondisclosure pursuant to NRS 612.365; or*

2. *The recovery of amounts owed to the Division for committing unemployment insurance fraud in violation of NRS 612.445,*

➡ *the Administrator may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the Division in accordance with the provisions of sections 12 to 19, inclusive of this act.*

Sec. 13. *The Administrator shall provide to a person who is subject to the withholding of income pursuant to section 12 of this act a notice sent by first-class mail to the person's last known address:*

1. *That his or her income is being withheld;*

2. *That a notice to withhold income applies to any current or subsequent employer;*

3. *That a notice to withhold income has been mailed to his or her employer;*

4. *Of the information provided to his or her employer pursuant to section 14 of this act;*

5. *That he or she may contest the withholding; and*

6. *Of the grounds and procedures for contesting the withholding.*

Sec. 14. 1. *The Administrator shall mail, by first-class mail, a notice to withhold income pursuant to section 12 of this act to each employer of the person who is subject to the withholding.*

2. *If an employer does not begin to withhold income from the person in accordance with section 15 of this act after receiving the notice to withhold income that was mailed pursuant to subsection 1, the Administrator shall, by certified mail, return receipt requested, mail to the employer another notice to withhold income.*

3. *A notice to withhold income pursuant to section 12 of this act may be issued electronically and must:*

(a) *Contain the social security number of the person;*

(b) *Specify the total amount to be withheld from the income of the person, including any interest, penalties or assessments accrued pursuant to the provisions of this chapter;*

(c) *Describe the limitation for withholding income prescribed in NRS 31.295;*

(d) *Describe the prohibition against terminating the employment of a person because of withholding and the penalties for wrongfully refusing to withhold in accordance with the notice to withhold income; and*

(e) Explain the duties of an employer upon the receipt of the notice to withhold income.

Sec. 15. An employer who receives a notice to withhold income pursuant to section 12 of this act shall:

1. Withhold the amount stated in the notice from the income due to the person beginning with the first pay period that occurs within 14 days after the date the notice was mailed to the employer and continuing until:

(a) The Administrator notifies the employer to discontinue the withholding; or

(b) The full amount required to be paid to the Administrator has been paid, as indicated by a written statement to the employer from the Administrator;

2. Calculate the amount of income to be withheld from a person's wages during each pay period in accordance with the provisions of NRS 31.295 and subject to the limitation on withholding prescribed in that section. For the purposes of this subsection, a withholding of income shall be deemed a garnishment of earnings.

3. Deliver the money withheld to the Administrator within 7 days after the date of each payment of the regularly scheduled payroll of the employer; and

4. Notify the Administrator when the person subject to withholding terminates his or her employment and provide the last known address of the person and the name of any new employer of the person, if known.

Sec. 16. 1. A notice to withhold income pursuant to section 12 of this act is binding upon any employer of the person to whom it is mailed. To reimburse the employer for his or her costs in making the withholding, the employer may deduct \$3 from the amount paid to the person each time the employer makes a withholding.

2. Except as otherwise provided in subsection 3, if an employer receives notices to withhold income pursuant to section 12 of this act for more than one employee, the employer may consolidate the amounts of money that are payable to the Administrator and pay those amounts with one check, but the employer shall attach to each check a statement identifying by name and social security number each person for whom payment is made and the amount transmitted for that person.

3. If the provisions of NRS 353.1467 apply, the employer shall make payment to the Administrator by any method of electronic transfer of money allowed by the Administrator. If an employer makes such payment by electronic transfer of money, the employer shall transmit separately the name and appropriate identification number, if any, of each person for whom payment is made and the amount transmitted for that person.

4. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 17. 1. It is unlawful for an employer to use the withholding of income to collect an obligation to pay money to the Administrator as a basis

for refusing to hire a potential employee, discharging an employee or taking disciplinary action against an employee. Any employer who violates this section shall hire or reinstate any such employee with no loss of pay or benefits, is liable for any amounts not withheld and shall be fined \$1,000. If an employee prevails in an action based on this section, the employer is liable, in an amount not less than \$2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer wrongfully refuses to withhold income as required pursuant to sections 12 to 19, inclusive, of this act or knowingly misrepresents the income of an employee, the employer shall pay the amount the employer refused to withhold to the Administrator and may be ordered to pay punitive damages to the Administrator in an amount not to exceed \$1,000 for each pay period the employer failed to withhold income as required or knowingly misrepresented the income of the employee.

Sec. 18. 1. If an employer wrongfully refuses to withhold income as required pursuant to sections 12 to 19, inclusive, of this act, after receiving a notice to withhold income that was sent by certified mail pursuant to section 14 of this act, or knowingly misrepresents the income of an employee, the Administrator may apply for and the court may issue an order directing the employer to appear and show cause why he or she should not be subject to the penalties prescribed in subsection 2 of section 17 of this act.

2. At the hearing on the order to show cause, the court, upon a finding that the employer wrongfully refused to withhold income as required or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of sections 12 to 19, inclusive, of this act;

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May fine the employer pursuant to subsection 2 of section 17 of this act; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the employee's income.

Sec. 19. 1. An employer who complies with a notice to withhold income pursuant to section 12 of this act that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

2. Compliance by an employer with a notice to withhold income pursuant to section 12 of this act is a discharge of the employer's liability to the person as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the Administrator may not be held liable in any civil action to the person who is the subject of the withholding of income for any money withheld before the stay becomes effective.

Sec. 20. NRS 612.350 is hereby amended to read as follows:

612.350 1. ~~[Each]~~ An eligible person who is unemployed *and otherwise entitled to receive benefits* in any week must be paid for that week a benefit in an amount equal to the person's weekly benefit amount, less 75 percent of the remuneration payable to him or her for that week.

2. The benefit, if not a multiple of \$1, must be computed to the next lower multiple of \$1.

Sec. 21. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and the person must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. At any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter. *If the overpayment is due to fraud, misrepresentation or willful nondisclosure, the Administrator may recover any amounts due in accordance with the provisions of sections 12 to 19, inclusive, of this act.*

4. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which the Administrator finds to be uncollectible or the recovery or adjustment of which the Administrator finds to be administratively impracticable.

5. To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.

6. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 22. ~~[NRS 612.375 is hereby amended to read as follows:~~

~~612.375 1. Except as otherwise provided in subsection 2 of NRS 612.374, an unemployed person is eligible to receive benefits with respect to any week only if the Administrator finds that:~~

~~(a) The person has registered for work at, and thereafter has continued to report at, an office of the Division in such a manner as the Administrator prescribes, except that the Administrator may by regulation waive or alter either or both of the requirements of this paragraph for persons attached to regular jobs and in other types of cases or situations with respect to which the Administrator finds that compliance with those requirements would be oppressive or inconsistent with the purposes of this chapter.~~

~~(b) The person has made a claim for benefits in accordance with the provisions of NRS 612.450 and 612.455.~~

~~(c) The person is able to work, and is available for work, but no claimant may be considered ineligible with respect to any week of unemployment for failure to comply with the provisions of this paragraph if the failure is because of an illness or disability which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work has been offered the claimant which would have been suitable before the beginning of the illness and disability. No otherwise eligible person may be denied benefits for any week in which the person is engaged in training approved pursuant to 19 U.S.C. § 2296 or by the Administrator by reason of any provisions of this chapter relating to availability for work or failure to apply for, or a refusal to accept, suitable work.~~

~~(d) The person has within his or her base period been paid wages from employers:~~

~~(1) Equal to or exceeding 1 1/2 times the person's total wages for employment by employers during the quarter of the person's base period in which the person's total wages were highest; or~~

~~(2) In each of at least three of the four quarters in the person's base period.~~

~~(e) The person has been unemployed and otherwise eligible for benefits for a waiting period of 1 week, within the person's current benefit year, during which no benefits were paid. For the purposes of this paragraph, a person is unemployed in any week during which the amount of any wages earned by the person is less than the person's weekly benefit amount.~~

~~↪ [If a person fails to qualify for a weekly benefit amount of one twenty fifth of the person's high quarter wages but can qualify for a weekly benefit amount of \$1 less than one twenty fifth of his or her high quarter wages, the person's weekly benefit amount must be \$1 less than one twenty fifth of his or her high quarter wages.] No person may receive benefits in a benefit year unless, after the beginning of the next preceding benefit year during which the person received benefits, he or she performed service, whether or not in "employment" as defined in this chapter and earned remuneration for that service in an amount equal to not less than~~

~~3 times his or her basic weekly benefit amount as determined for the next preceding benefit year.~~

~~2. In addition to fulfilling the requirements set forth in subsection 1, an unemployed person who has been determined to be likely to exhaust his or her regular benefits and to need services to assist in his or her reemployment, pursuant to the system of profiling established by the Administrator pursuant to 42 U.S.C. § 503, is eligible to receive benefits with respect to any week only if the person participates in those services to assist in his or her reemployment, unless the Administrator determines that:~~

~~(a) The unemployed person has completed his or her participation in those services; or~~

~~(b) There is a justifiable cause for the person's failure to participate in those services.~~

~~3. For any week in which a claimant receives any pension or other payment for retirement, including a governmental or private pension, annuity or other, similar periodic payment, except as otherwise provided in subsection 4, the amount payable to the claimant under a plan maintained by a base period employer or an employer whose account is chargeable with benefit payments must:~~

~~(a) Not be reduced by the amount of the pension or other payment if the claimant made any contribution to the pension or retirement plan; or~~

~~(b) Be reduced by the entire proportionate weekly amount of the pension or other payment if the employer contributed the entire amount to the pension or retirement plan.~~

~~4. The amount of the weekly benefit payable to a claimant must not be reduced by the pension offset in subsection 3 if the services performed by the claimant during the base period, or the compensation the claimant received for those services, from that employer did not affect the claimant's eligibility for, or increase the amount of, the pension or other payment, except for a pension paid pursuant to the Social Security Act or Railroad Retirement Act of 1974, or the corresponding provisions of prior law, which is not eligible for the exclusion provided in this subsection and is subject to the offset provisions of subsection 3.~~

~~5. As used in this section, "regular benefits" has the meaning ascribed to it in NRS 612.377. (Deleted by amendment.)~~

Sec. 23. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person. A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall

repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. *Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.*

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the ~~first week claimed in violation of~~ week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator, ~~whichever is longer~~. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of \$650 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, ~~if the amount of benefits which must be repaid is greater than \$1,000,~~ the Administrator ~~may~~ :

(a) *Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.*

(b) *May impose a penalty equal to not more than:*

~~(a)~~ (1) If the amount of such benefits is greater than \$25 but not greater than \$1,000, 5 percent;

(2) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, ~~25~~ 10 percent; or

~~(b)~~ (3) If the amount of such benefits is greater than \$2,500, ~~50~~ 35 percent,

↪ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. *Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.*

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 23.5. NRS 612.475 is hereby amended to read as follows:

612.475 1. The last employing unit of any unemployed claimant and the next to last employing unit of an unemployed claimant who has not earned remuneration with his or her last covered employer equal to or exceeding his or her weekly benefit amount in each of 16 weeks must be notified of any new claim or additional claim filed by the unemployed claimant following his or her separation.

2. The notice of the filing of a claim must contain the claimant's name and social security number, the reason for separation from the employing unit affected as given by the claimant, the date of separation and such other information as is deemed proper.

3. Upon receipt of a notice of the filing of a claim, the employing unit shall, within 11 days after the date of the mailing of the notice, submit to the Division all *known* relevant facts which may affect the claimant's rights to benefits.

4. Any employing unit that receives a notice of the filing of a claim may protest payment of benefits to the unemployed claimant if the protest is filed within 11 days after the notice is filed.

5. Any employing unit which has filed a protest in accordance with the provisions of this section must be notified in writing of the determination arrived at by the Administrator or the Administrator's Deputy, and the notice must contain a statement setting forth the right of appeal.

6. As used in this section:

(a) "Additional claim" means a claim filed during the benefit year when a break of 1 week or more has occurred in the series of claims with intervening employment.

(b) "New claim" means an application for a determination of eligibility and benefits, benefit amount and duration of benefits which certifies to the beginning date of a first period of unemployment in a benefit year or the continuance of a period of unemployment into a new benefit year.

Sec. 24. NRS 612.550 is hereby amended to read as follows:

612.550 1. As used in this section:

(a) "Average actual duration" means the number of weeks obtained by dividing the number of weeks of benefits paid for weeks of total unemployment in a consecutive 12-month period by the number of first payments made in the same 12-month period.

(b) "Average annual payroll" for each calendar year means the annual average of total wages paid by an employer subject to contributions for the 3 consecutive calendar years immediately preceding the computation date. The average annual payroll for employers first qualifying as eligible employers must be computed on the total amount of wages paid, subject to contributions, for not less than 10 consecutive quarters and not more than 12 consecutive quarters ending on December 31, immediately preceding the computation date.

(c) "Beneficiary" means a person who has received a first payment.

(d) "Computation date" for each calendar year means June 30 of the preceding calendar year.

(e) "Covered worker" means a person who has worked in employment subject to this chapter.

(f) "First payment" means the first weekly unemployment insurance benefit paid to a person in the person's benefit year.

(g) "Reserve balance" means the excess, if any, of total contributions paid by each employer over total benefit charges to that employer's experience rating record.

(h) "Reserve ratio" means the percentage ratio that the reserve balance bears to the average annual payroll.

(i) "Total contributions paid" means the total amount of contributions, due on wages paid on or before the computation date, paid by an employer not later than the last day of the second month immediately following the computation date.

(j) "Unemployment risk ratio" means the ratio obtained by dividing the number of first payments issued in any consecutive 12-month period by the average monthly number of covered workers in employment as shown on the records of the Division for the same 12-month period.

2. The Administrator shall, as of the computation date for each calendar year, classify employers in accordance with their actual payrolls, contributions and benefit experience, and shall determine for each employer the rate of contribution which applies to that employer for each calendar year

in order to reflect his or her experience and classification. The contribution rate of an employer may not be reduced below 2.95 percent, unless there have been 12 consecutive calendar quarters immediately preceding the computation date throughout which the employer has been subject to this chapter and his or her account as an employer could have been charged with benefit payments, except that an employer who has not been subject to the law for a sufficient period to meet this requirement may qualify for a rate less than 2.95 percent if his or her account has been chargeable throughout a lesser period not less than the 10-consecutive-calendar-quarter period ending on the computation date.

3. Any employer who qualifies under paragraph (b) of subsection 9 and receives the experience record of a predecessor employer must be assigned the contribution rate of the predecessor.

4. Benefits paid to a person up to and including the computation date must be charged against the records, for experience rating, of the person's base-period employers in the same percentage relationship that wages reported by individual employers represent to total wages reported by all base period employers, except that:

(a) If one of the base period employers has paid 75 percent or more of the wages paid to the person during the person's base period, and except as otherwise provided in NRS 612.551, the benefits, less a proportion equal to the proportion of wages paid during the base period by employers who make reimbursement in lieu of contributions, must be charged to the records for experience rating of that employer. The proportion of benefits paid which is equal to the part of the wages of the claimant for the base period paid by an employer who makes reimbursement must be charged to the record of that employer.

(b) No benefits paid to a multistate claimant based upon entitlement to benefits in more than one state may be charged to the experience rating record of any employer when no benefits would have been payable except pursuant to NRS 612.295.

(c) Except for employers who have been given the right to make reimbursement in lieu of contributions, extended benefits paid to a person must not be charged against the accounts of the person's base-period employers.

5. The Administrator shall, as of the computation date for each calendar year, compute the reserve ratio for each eligible employer and shall classify those employers on the basis of their individual reserve ratios. The contribution rate assigned to each eligible employer for the calendar year must be determined by the range within which the employer's reserve ratio falls. The Administrator shall, by regulation, prescribe the contribution rate schedule to apply for each calendar year by designating the ranges of reserve ratios to which must be assigned the various contribution rates provided in subsection 6. The lowest contribution rate must be assigned to the designated range of highest reserve ratios and each succeeding higher contribution rate

must be assigned to each succeeding designated range of lower reserve ratios, except that, within the limits possible, the differences between reserve ratio ranges must be uniform.

6. Each employer eligible for a contribution rate based upon experience and classified in accordance with this section must be assigned a contribution rate by the Administrator for each calendar year according to the following classes:

Class 1	0.25 percent
Class 2	0.55 percent
Class 3	0.85 percent
Class 4	1.15 percent
Class 5	1.45 percent
Class 6	1.75 percent
Class 7	2.05 percent
Class 8	2.35 percent
Class 9	2.65 percent
Class 10	2.95 percent
Class 11	3.25 percent
Class 12	3.55 percent
Class 13	3.85 percent
Class 14	4.15 percent
Class 15	4.45 percent
Class 16	4.75 percent
Class 17	5.05 percent
Class 18	5.40 percent

7. On September 30 of each year, the Administrator shall determine:

(a) The highest of the unemployment risk ratios experienced in the 109 consecutive 12-month periods in the 10 years ending on March 31;

(b) The potential annual number of beneficiaries found by multiplying the highest unemployment risk ratio by the average monthly number of covered workers in employment as shown on the records of the Division for the 12 months ending on March 31;

(c) The potential annual number of weeks of benefits payable found by multiplying the potential number of beneficiaries by the highest average actual duration experienced in the 109 consecutive 12-month periods in the 10 years ending on September 30; and

(d) The potential maximum annual benefits payable found by multiplying the potential annual number of weeks of benefits payable by the average payment made to beneficiaries for weeks of total unemployment in the 12 months ending on September 30.

8. The Administrator shall issue an individual statement, itemizing benefits charged during the 12-month period ending on the computation date, total benefit charges, total contributions paid, reserve balance and the rate of contributions to apply for that calendar year, for each employer whose account is in active status on the records of the Division on January 1 of each

year and whose account is chargeable with benefit payments on the computation date of that year.

9. If an employer transfers its trade or business, or a portion thereof, to another employer:

(a) And there is substantially common ownership, management or control of the employers, the experience record attributable to the transferred trade or business must be transferred to the employer to whom the trade or business is transferred. The rates of both employers must be recalculated, and the recalculated rates become effective on the date of the transfer of the trade or business. If the Administrator determines, following the transfer of the experience record pursuant to this paragraph, that the sole or primary purpose of the transfer of the trade or business was to obtain a reduced liability for contributions, the Administrator shall combine the experience rating records of the employers involved into a single account and assign a single rate to the account.

(b) And there is no substantially common ownership, management or control of the employers, the experience record of an employer may be transferred to a successor employer as of the effective date of the change of ownership if:

(1) The successor employer acquires the entire or a severable and distinct portion of the business, or substantially all of the assets, of the employer;

(2) The successor employer notifies the Division of the acquisition in writing within 90 days after the date of the acquisition;

(3) The employer and successor employer submit a joint application to the Administrator requesting the transfer; and

(4) The joint application is approved by the Administrator.

➡ The joint application must be submitted within 1 year after the date of issuance by the Division of official notice of eligibility to transfer.

(c) Except as otherwise provided in paragraph (a), a transfer of the experience record must not be completed if the Administrator determines that the acquisition was effected solely or primarily to obtain a more favorable contribution rate.

(d) Any liability to the Division for unpaid contributions, interest or forfeit attributable to the transferred trade or business must be transferred to the successor employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.

10. Whenever an employer has paid no wages in employment for 8 consecutive calendar quarters following the last calendar quarter in which the employer paid wages for employment, the Administrator shall terminate the employer's experience rating account, and the account must not thereafter be used in any rate computation.

11. The Administrator may adopt reasonable accounting methods to account for those employers which are in a category for providing reimbursement in lieu of contributions.

Sec. 25. NRS 612.551 is hereby amended to read as follows:

612.551 1. Except as otherwise provided in subsections 2 , 3 and ~~{3,}~~ 7, if the Division determines that a claimant has earned 75 percent or more of his or her wages during his or her base period from one employer, it shall notify the employer of its determination and advise him or her that he or she has a right to protest the charging of benefits to his or her account pursuant to subsection 4 of NRS 612.550.

2. Benefits paid pursuant to an elected base period in accordance with NRS 612.344 must not be charged against the record for experience rating of the employer.

3. ~~{H}~~ *Except as otherwise provided in subsection 7, if* a claimant leaves his or her last or next to last employer to take other employment and leaves or is discharged by the latter employer, benefits paid to the claimant must not be charged against the record for experience rating of the former employer.

4. If the employer provides evidence within 10 working days after the notice required by subsection 1 was mailed which satisfies the Administrator that the claimant:

(a) Left his or her employment voluntarily without good cause or was discharged for misconduct connected with the employment; or

(b) Was the spouse of an active member of the Armed Forces of the United States and left his or her employment because the spouse was transferred to a different location,

→ the Administrator shall order that the benefits not be charged against the record for experience rating of the employer.

5. The employer may appeal from the ruling of the Administrator relating to the cause of the termination of the employment of the claimant in the same manner as appeals may be taken from determinations relating to claims for benefits.

6. A determination made pursuant to this section does not constitute a basis for disqualifying a claimant to receive benefits.

7. *If an employer who is given notice of a claim for benefits pursuant to subsection 1 fails to submit timely to the Division all known relevant facts which may affect the claimant's rights to benefits as required by NRS 612.475, the employer's record for experience rating is not entitled to be relieved of the amount of any benefits paid to the claimant as a result of such failure that were charged against the employer's record pursuant to NRS 612.550 or 612.553.*

Sec. 26. NRS 612.615 is hereby amended to read as follows:

612.615 1. There is hereby created the Employment Security Fund as a special revenue fund.

2. ~~{A}~~ *Except as otherwise provided in paragraph (a) of subsection 6 of NRS 612.445, all interest and forfeits collected under NRS 612.618 to 612.675, inclusive, and 612.740 and sections 12 to 19, inclusive, of this act must be paid into the Fund.*

3. All money which is deposited or paid into the Fund is hereby appropriated and made available to the Administrator or for any other purpose authorized by the Legislature. The money may not be expended or made available for expenditure in any manner which would permit its substitution for, or a corresponding reduction in, federal payments which would, in the absence of this money, be available to finance expenditures for the administration of the employment security laws of the State of Nevada.

4. This section does not prevent this money from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal payments have been duly requested but not yet received, subject to the repayment to the Fund of such expenditures when received.

5. ~~{The}~~ *Except as otherwise provided in this section*, money in this Fund available to the Administrator must be used by the Administrator for the payment of costs of:

(a) Administration which are found not to have been properly and validly chargeable against federal grants received for or in the Unemployment Compensation Administration Fund; or

(b) Any program or the implementation of procedures deemed necessary by the Administrator to ensure the proper payment of benefits and collection of contributions and reimbursements pursuant to this chapter or for any other purpose authorized by the Legislature.

6. *The Administrator may use money deposited in this Fund from a penalty imposed pursuant to paragraph (b) of subsection 6 of NRS 612.445 for any purpose that furthers the integrity of the system of unemployment compensation established pursuant to this chapter.*

7. Any balances in this Fund do not lapse at any time, but are continuously available to the Administrator for expenditure consistent with this chapter.

~~{7.}~~ 8. Money in this Fund must not be commingled with other state money, but must be maintained in a separate account on the books of the depository.

Sec. 27. NRS 612.655 is hereby amended to read as follows:

612.655 1. Where a payment of contributions, forfeit or interest has been erroneously collected, an employer may, not later than 3 years after the date on which such payments became due, make application for an adjustment thereof in connection with subsequent contributions, forfeit or interest payments or for a refund. All such adjustments or refunds will be made without interest. An adjustment or refund will not be made in any case with respect to contributions on wages which have been included in the determination of an eligible claim for benefits, unless it is shown to the satisfaction of the Administrator that such determination was due entirely to the fault or mistake of the Division.

2. Refunds of interest and forfeit collected under NRS 612.618 to 612.675, inclusive, and 612.740 *and sections 12 to 19, inclusive, of this act*

and paid into the Employment Security Fund established by NRS 612.615 must be made only from the Employment Security Fund.

Sec. 28. NRS 612.695 is hereby amended to read as follows:

612.695 1. Any employer who, outside the usual course of the employer's business, sells *or transfers* substantially all or any one of the classes of assets enumerated in subsection 1 of NRS 612.690 and quits business, shall within 10 days after the sale *or transfer* file such reports as the Administrator may prescribe and pay the contributions, interest or forfeits required by this chapter with respect to wages for employment to the date of the sale ~~[-]~~ *or transfer*.

2. *In the case of a sale:*

(a) The purchaser shall withhold sufficient of the purchase money to cover the amount of all contributions, *interest* and forfeits due and unpaid until such time as the seller produces a receipt from the Administrator showing that the contributions, *interest* and forfeits have been paid or a certificate showing that no contributions, *interest* or forfeits are due.

~~{3-}~~ (b) If the seller fails, within the 10-day period, to produce the receipt or certificate, the purchaser shall pay the sum so withheld to the Administrator upon demand.

~~{4-}~~ (c) If the purchaser fails to withhold purchase money as provided in ~~{subsection 2}~~ *paragraph (a)* and the contributions, interest and forfeits are not paid within the 10 days specified in this section, the purchaser is personally liable for the payment of the contributions, *interest* and forfeits accrued and unpaid on account of the operation of the business by the former owner.

3. *In the case of a transfer other than a sale, if the contributions, interest and forfeits are not paid within the 10 days specified in this section, the transferee is personally liable for the payment of the contributions, interest and forfeits accrued and unpaid on account of the operation of the business by the former owner.*

Sec. 29. (Deleted by amendment.)

Sec. 30. The provisions of NRS 612.551, as amended by section 25 of this act, do not apply to a claim for benefits paid before October 21, 2013.

Sec. 31. (Deleted by amendment.)

Sec. 32. ~~{1-}~~ This ~~{section and sections 1, 12 to 19, inclusive, 21 to 28, inclusive, and 30 of this act become}~~ act becomes effective upon passage and approval.

~~† 2- Sections 2 to 11, inclusive, and 20 of this act become effective:~~

~~(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and~~

~~(b) For all other purposes, on the first day of the quarter after the date on which the Secretary of Labor approves the program of shared work unemployment compensation established pursuant to section 5 of this act as a short-time compensation program~~

~~3. Sections 29 and 31 of this act become effective:~~

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

~~(b) For all other purposes, if and only if the amendatory provisions of section 4 of chapter 476, Statutes of Nevada 2011, at page 2891, or substantially similar provisions, are in effect on the first day of the quarter after the date on which the Secretary of Labor approves the program of shared work unemployment compensation established pursuant to section 5 of this act as a short time compensation program.~~

~~4. Section 29 of this act expires by limitation on the date on which the amendatory provisions of section 4 of chapter 476, Statutes of Nevada 2011, at page 2891, or substantially similar provisions, expire.~~

Senator Atkinson moved that the Senate concur in the Assembly Amendment No. 649 to Senate Bill No. 36.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 72.

The following Assembly Amendments were read:

Amendment No. 688.

"SUMMARY—Makes various changes concerning cruelty to animals. (BDR 50-114)"

"AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving [admission] any money or other compensation for a charreada or rodeo that includes horse tripping ; authorizing a charreada or rodeo to include a horse roping event under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) ~~[This]~~ Section 1 of this bill defines "horse tripping" as the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall. Section 1.5 of this bill prohibits a person from : (1) engaging in horse tripping for sport, entertainment, competition or practice ; or (2) knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving [admission] money [for] or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes [a] horse tripping . Section 1.5 also prohibits a person from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any

other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes a horse roping event in which a horse or other animal of the equine species is caught by the legs and then released unless the person first obtains a permit from the local government where the horse ~~tripping~~ roping event is conducted. ~~follows it.~~ Sections 4 and 5 of this bill require each board of county commissioners and city council to enact an ordinance setting forth the manner in which a person may apply for the issuance of the permit. This bill imposes a criminal penalty against a person who is guilty of committing horse tripping, and provides an exception for ~~catching and releasing an animal.~~ tripping a horse or other animal of the equine species to provide medical or other health care.

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

Section 1. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive:

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. *"Horse tripping" means the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall.*

4. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

~~4.~~ 5. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

~~Section 1.5.~~ Sec. 1.5. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. *A person shall not:*

(a) ~~[Except as otherwise provided in paragraph (b), intentionally]~~
Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee, conduct or receive any money or other compensation for parking or for the admission or attendance of any person to a charreada or rodeo that includes ~~for a horse~~;

(1) Horse tripping ~~event unless the horse tripping event is allowed by the local government where the horse tripping event is conducted~~; or

(2) A horse roping event in which a horse or other animal of the equine species is caught by the legs and then released, unless the person first obtains a permit issued pursuant to NRS 244.359 or 266.325.

6. The provisions of subsection 5 do not apply with respect to tripping a horse or other animal of the equine species to provide medical or other health care for the animal.

7. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~{6,} ~~7~~~~ 8. Except as otherwise provided in subsection {5,} ~~6~~, 7, a person who violates subsection 1, 2 ~~or 3~~, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[7.]~~ ~~[8.]~~ 9. In addition to any other fine or penalty provided in subsection ~~[5]~~ ~~[6]~~ 7 or ~~[6.]~~ ~~[7.]~~ 8, a court shall order a person convicted of violating subsection 1, 2, ~~for~~ 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 ~~for 3,~~ , 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

~~[8.]~~ ~~[9.]~~ 10. The court may order the person convicted of violating subsection 1, 2, ~~for~~ 3 or 5 to surrender ownership or possession of the mistreated animal.

~~[9.]~~ ~~[10.]~~ 11. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; ~~or~~

(b) Operating a ranch ~~for~~

~~11. As used in this section:~~

~~(a) "Horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:~~

~~(1) Tripping such an animal to provide medical or other health care for the animal; or~~

~~(2) Catching such an animal by the front legs and then releasing it as part of a horse tripping event that is allowed by the local government where the event is conducted.~~

~~(b) "Horse tripping event" means an event at which a person intentionally engages in horse tripping for sport, entertainment, competition or practice.] or~~

(c) Carrying out the activities of a charreada which includes a horse roping event specified in subparagraph (2) of paragraph (b) of subsection 5 if a permit has been issued for the horse roping event pursuant to NRS 244.359 or 266.325.

Sec. 2. NRS 244.189 is hereby amended to read as follows:

244.189 1. Except as otherwise provided in subsection 2 and NRS 244.359, and in addition to any other powers authorized by a specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing;

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by a specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 3. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 244.359, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any

member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 4. NRS 244.359 is hereby amended to read as follows:

244.359 1. ~~Each~~ *Except as otherwise provided in subsection 4, each* board of county commissioners may enact and enforce an ordinance or ordinances:

(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.

(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.

(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.

(d) Prohibiting cruelty to animals.

(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.

2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.

3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed \$500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.

4. Each board of county commissioners shall enact an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The board of county commissioners may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the county which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the county, the board of county commissioners shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.

Sec. 5. NRS 266.325 is hereby amended to read as follows:

266.325 ~~1. The~~

1. Except as otherwise provided in subsection 2, the city council may:

~~1.1~~ (a) Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.

~~1.2~~ (b) Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.

~~1.3~~ (c) Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.

~~1.4~~ (d) Prohibit cruelty to animals.

2. Each city council shall adopt an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The city council may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the city which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the city, the city council shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.

Sec. 6. NRS 266.355 is hereby amended to read as follows:

266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:

(a) Except as otherwise provided in NRS 266.325, 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 7. This act becomes effective upon passage and approval.

Amendment No. 836.

"SUMMARY—Makes various changes concerning cruelty to animals. (BDR 50-114)"

"AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing ~~[, conducting]~~ or receiving ~~[any]~~ money ~~[or other compensation]~~ for the admission of any person to a charreada or rodeo that includes horse tripping; ~~[authorizing a charreada or rodeo to include a horse roping event under certain circumstances;]~~ providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) ~~[Section 1 of this bill defines "horse tripping" as the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall. Section 1.5 of this]~~ This bill prohibits a person from: (1) intentionally engaging in horse tripping for sport, entertainment, competition or practice; or (2) knowingly organizing, sponsoring, promoting, overseeing ~~[, conducting]~~ or receiving money ~~[or any other compensation for parking or]~~ for the admission of any person to ~~[or attendance at]~~ a charreada or rodeo that includes horse tripping. ~~[Section 1.5 also prohibits a person from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes a horse roping event in which a horse or other animal of the equine species is caught by the legs and then released unless the person first obtains a permit from the local government where the horse roping event is conducted. Sections 4 and 5 of this bill require each board of county commissioners and city council to enact an ordinance setting forth the manner in which a person may apply for the issuance of the permit.]~~ This bill imposes a criminal penalty against a person who is guilty of committing horse tripping ~~[, and provides an exception for tripping]~~ Finally, the bill defines the term "horse tripping" to mean the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall, and excludes from that definition the tripping of the animal to provide medical or

other health care ~~[.]~~ for the animal or catching the animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

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

Section 1. ~~NRS 574.050 is hereby amended to read as follows:
574.050 As used in NRS 574.050 to 574.200, inclusive:~~

~~1. "Animal" does not include the human race, but includes every other living creature.~~

~~2. "First responder" means a person who has successfully completed the national standard course for first responders.~~

~~3. "Horse tripping" means the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall.~~

~~4. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.~~

~~[4.] 5. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.] (Deleted by amendment.)~~

Sec. 1.5. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee, ~~conduct~~ or receive ~~any~~ money ~~for other compensation for parking or~~ for the admission ~~or attendance~~ of any person to a charreada or rodeo that includes ~~the~~

~~(1) Horse~~ horse tripping, ~~for~~

~~(2) A horse roping event in which a horse or other animal of the equine species is caught by the legs and then released, unless the person first obtains a permit issued pursuant to NRS 244.359 or 266.325.~~

~~6. The provisions of subsection 5 do not apply with respect to tripping a horse or other animal of the equine species to provide medical or other health care for the animal.~~

~~7. 6.~~ A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~{6.} ~~8. 7.~~~~ Except as otherwise provided in subsection ~~{5.} ~~7. 6.~~~~ a person who violates subsection 1, 2 ~~{or 3.}~~, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~{7.} ~~9. 8.~~~~ In addition to any other fine or penalty provided in subsection ~~{5.} ~~7. 6.~~~~ or ~~{6.} ~~8. 7.~~~~ a court shall order a person convicted of violating subsection 1, 2, ~~{or 3.}~~ 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 ~~{or 3.}~~, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

~~{8.} ~~10. 9.~~~~ The court may order the person convicted of violating subsection 1, 2, ~~{or 3.}~~ 3 or 5 to surrender ownership or possession of the mistreated animal.

~~{9.}~~ ~~11.7~~ 10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch. ~~for~~
- ~~(c) Carrying out the activities of a charreada which includes a horse roping event specified in subparagraph (2) of paragraph (b) of subsection 5 if a permit has been issued for the horse roping event pursuant to NRS 244.359 or 266.325.~~

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

- (a) Tripping such an animal to provide medical or other health care for the animal; or
- (b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Sec. 2. ~~{NRS 244.189 is hereby amended to read as follows:~~

~~244.189 1. Except as otherwise provided in subsection 2 and NRS 244.359, and in addition to any other powers authorized by a specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:~~

- ~~(a) The development of affordable housing;~~
- ~~(b) The control and protection of animals;~~
- ~~(c) The rehabilitation of rental property in residential neighborhoods; and~~
- ~~(d) The rehabilitation of abandoned residential property.~~

~~2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by a specific statute.~~

~~3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.~~ (Deleted by amendment.)

Sec. 3. ~~{NRS 244.335 is hereby amended to read as follows:~~

~~244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:~~

~~(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 244.359, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.~~

~~(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both~~

~~revenue and regulation, on such trades, callings, industries, occupations, professions and business.~~

~~2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.~~

~~3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.~~

~~4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.~~

~~5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:~~

~~(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or~~

~~(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.~~

~~6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:~~

~~(a) Presents written evidence that:~~

~~(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or~~

~~(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or~~

~~(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).~~

~~7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:~~

~~(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:~~

~~(1) The amount of tax due and the appropriate year;~~

~~(2) The name of the record owner of the property;~~

~~(3) A description of the property sufficient for identification; and~~

~~(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and~~

~~(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.~~

~~8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers. (Deleted by amendment.)~~

Sec. 4. [NRS 244.359 is hereby amended to read as follows:

~~244.359 1. [Each] Except as otherwise provided in subsection 4, each board of county commissioners may enact and enforce an ordinance or ordinances:~~

~~(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.~~

~~(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.~~

~~(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.~~

~~(d) Prohibiting cruelty to animals.~~

~~(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.~~

~~2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.~~

~~3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed \$500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.~~

~~4. Each board of county commissioners shall enact an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The board of county commissioners may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the county which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the county, the board of county commissioners shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.]~~
(Deleted by amendment.)

Sec. 5. ~~[NRS 266.325 is hereby amended to read as follows:~~

~~266.325—[The]~~

~~1. Except as otherwise provided in subsection 2, the city council may:~~

~~[1.] (a) Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.~~

~~[2.] (b) Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.~~

~~[3.] (c) Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.~~

~~[4.] (d) Prohibit cruelty to animals.~~

~~2. Each city council shall adopt an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The city~~

~~council may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the city which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the city, the city council shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.]~~
(Deleted by amendment.)

Sec. 6. ~~[NRS 266.355 is hereby amended to read as follows:~~

~~266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:~~

~~(a) Except as otherwise provided in NRS 266.325, 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions;~~

~~(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.~~

~~2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.~~

~~3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.~~

~~4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.~~

~~5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.] (Deleted by amendment.)~~

Sec. 7. This act becomes effective upon passage and approval.

Senator Ford moved that the Senate concur in the Assembly Amendments Nos. 688, 836, to Senate Bill No. 72.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 170.

The following Assembly Amendment was read:

Amendment No. 631.

"SUMMARY—Revises provisions governing the charges for storage of motor vehicles that are imposed by body shops. (BDR 43-582)"

"AN ACT relating to ~~body shops;~~ automotive repairs; authorizing a body shop to impose certain charges for storage of a motor vehicle; requiring that body shops include rates for storage of vehicles in written estimates; requiring that body shops notify certain registered owners of a motor vehicle of charges for storage; revising provisions governing information that body shops are required to submit to the Department of Motor Vehicles; requiring that body shops and garage operators inform certain persons as to the forms of payment which the shop or garage accepts; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a body shop may charge for storage of a motor vehicle if the owner or insurer of the motor vehicle elects to take possession of the motor vehicle instead of authorizing certain repairs and fails to take possession within 24 hours after that election. (NRS 487.6881) Section 2 of this bill authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. Section 2 also provides that any such charge for storage of a motor vehicle must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same geographic area, as determined by the Department of Motor Vehicles, except that a body shop may request a hearing by the Department to show good cause as to why the body shop should be allowed to impose a charge which exceeds that limit.

Under existing law, a body shop must complete an on-line survey to report certain information, including the labor rate charged by the body shop, to the Department of Motor Vehicles within 60 days immediately preceding the date of submission of the application for renewal of the license of the body shop. (NRS 487.685) Section 5 of this bill requires that a body shop also report to the Department in the on-line survey the rate charged by the body shop for storage of vehicles, if any, including both an indoor vehicle storage rate and an outdoor vehicle storage rate, if those rates differ. Section 6 of this bill requires the Department to calculate and post the prevailing storage rates for each specific geographic area in a report that must be made available to the public on-line. (NRS 487.686)

Existing law requires a body shop to provide to a person requesting or authorizing the repair of a motor vehicle a written estimate or statement indicating the total charge for the repair, including the charge for labor and all parts and accessories necessary to perform the work. (NRS 487.6875) Existing law also requires a body shop to display in its place of business a sign setting forth various rights of the customer, including the right to receive a written estimate of charges for repairs made to the vehicle which exceed \$50. (NRS 487.6871) Section 9 of this bill requires that the person requesting or authorizing the repair is also entitled to receive from the body shop a

written statement of charges for storage of the vehicle, if any, which could exceed \$50. Section 7 of this bill provides that the sign in a body shop which is required to set forth the various rights of the customer must also include language stating that the customer is entitled to receive a written statement of charges for storage of the vehicle, if any, which could exceed \$50. Section 7 also requires such signs to display the Internet address of the Division of Compliance Enforcement of the Department of Motor Vehicles and the telephone number of the closest office of the Division.

Section 3 of this bill provides that if a motor vehicle is towed to a body shop at the request of someone other than the registered owner or an authorized agent of the owner, the body shop which receives the motor vehicle must make reasonable attempts to notify the registered owner of the motor vehicle of the location of the vehicle. Section 3 further provides that the body shop may impose a charge for storage of such a motor vehicle.

Section 3.5 of this bill requires under certain circumstances that body shops and garage operators inform certain persons as to the forms of payment which the shop or garage accepts.

Sections 12-14 of this bill provide for injunctive relief, civil penalties and a criminal misdemeanor penalty for violations of the provisions of this bill.

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

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and~~ 3 and 3.5 of this act.

Sec. 2. 1. *Except as otherwise provided in NRS 487.6881, a body shop may impose a reasonable charge for storage of a motor vehicle that is in the possession of the body shop except that no such charge may be imposed:*

(a) For any day when the motor vehicle is being repaired, inspected, test driven or otherwise worked on by the body shop;

(b) For any day when the motor vehicle is being inspected, test driven ~~or reviewed~~ or otherwise worked on by the insurer of the motor vehicle or by the body shop at the request of the insurer of the vehicle;

(c) For 24 hours after the person who authorized the repair of the motor vehicle has been notified that the repairs are completed; and

(d) For any day that the motor vehicle is not being repaired, inspected, test driven ~~or reviewed~~ or otherwise worked on due to a delay caused by anyone other than the owner of the motor vehicle, except that if the delay is due to the failure of the insurer to respond to a request by the body shop for inspection, authorization or other service by the insurer, a storage charge may be imposed 24 hours after the body shop made the request of the insurer.

2. *Except as otherwise provided in subsection 3, the rate charged by a body shop for storage of a motor vehicle pursuant to subsection 1 shall be deemed reasonable if it does not exceed an amount equal to one and one-half times the prevailing storage rates for the specific geographic area in which*

the body shop is located, as made available to the public pursuant to NRS 487.686.

3. A body shop that wishes to impose a charge for storage of a motor vehicle which exceeds the amount allowable pursuant to subsection 2 may petition the Department in writing for a hearing. The Department shall conduct a hearing within 30 days after receipt of the petition, or as soon thereafter as is practicable, ~~and~~ which, if practicable, must be conducted in the county where the body shop is located. The scope of the hearing must be limited to evidence presented by the body shop of good cause to impose a charge for storage of a motor vehicle which exceeds the amount otherwise allowable pursuant to subsection 2. The hearing officer shall render his or her determination not later than 10 days after the date of the hearing. The decision of the hearing officer pursuant to this subsection is a final decision for purposes of judicial review.

Sec. 3. 1. If a motor vehicle is towed to a body shop at the request of someone other than the registered owner of the motor vehicle, the body shop shall use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this or any other state and ~~notify~~ :

(a) Notify the registered owner of the location of the vehicle.

(b) Provide the registered owner with the information required pursuant to section 3.5 of this act.

2. Any charge imposed for storage of a motor vehicle pursuant to this section must meet the requirements of section 2 of this act.

Sec. 3.5. 1. A body shop or garage operator, as applicable, must inform a person regarding the types of payment the body shop or garage accepts:

(a) If the person is a prospective customer or customer, before the prospective customer or customer authorizes the body shop or garage operator to perform repair work on his or her vehicle; and

(b) In the specific instance of a body shop, if the:

(1) Person is the registered owner of the vehicle;

(2) Vehicle is towed to the body shop at the request of someone other than the registered owner of the motor vehicle; and

(3) Body shop notifies the registered owner of the location of the vehicle,

as required pursuant to section 3 of this act.

2. The information required to be provided pursuant to subsection 1:

(a) Must be in writing;

(b) May be incorporated into a form already used by the body shop or garage operator for another purpose, including, without limitation, a form used to authorize repairs or estimate the cost of repairs or storage; and

(c) Must set forth, without limitation:

(1) Whether the body shop or garage provides the service of directly billing an insurance company for any payment due;

(2) Whether the body shop or garage accepts only cash as payment;

(3) Whether the body shop or garage accepts credit or debit cards;

(4) If the body shop or garage accepts credit or debit cards, or both:

(I) The brand or type of such cards the body shop or garage accepts;
and

(II) Whether the body shop or garage imposes a fee or surcharge for the use of a credit or debit card;

(5) Whether the body shop or garage accepts personal checks or travelers' checks; and

(6) If the body shop or garage does not accept only cash as payment, whether the body shop or garage offers a discount for making payment in the form of cash.

Sec. 4. NRS 487.530 is hereby amended to read as follows:

487.530 As used in NRS 487.530 to 487.690, inclusive, *and sections 2, ~~and~~ 3 and 3.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 487.532 to 487.553, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 487.685 is hereby amended to read as follows:

487.685 1. A body shop licensed in this State must complete an on-line survey within 60 days immediately preceding the date of the submission of the application for renewal of the license of the body shop.

2. The Department shall conduct the survey by providing a form on its website or other Internet site to be completed by each body shop and submitted electronically to the Department.

3. Each survey must include, without limitation:

(a) The name and address of the body shop;

(b) The labor rate charged by the body shop; ~~and~~

(c) *The vehicle storage rate charged by the body shop, if any, both for indoor storage and outdoor storage, if those rates differ; and*

(d) Any other information the Department deems necessary.

4. The information obtained from each survey must be available to the public on-line not more than 30 days after the renewal of the body shop's license.

Sec. 6. NRS 487.686 is hereby amended to read as follows:

487.686 1. The Department must compile the results of each survey completed pursuant to NRS 487.685 in a report which must be made available to the public on-line. The report must include, without limitation:

(a) The names and addresses of all body shops that complete the survey;

(b) ~~The prevailing labor rate for~~ For body shops in a specific geographic area as established by the Department ~~[-and]~~ :

(1) The prevailing labor rate;

(2) The prevailing indoor vehicle storage rate; and

(3) The prevailing outdoor vehicle storage rate; and

(c) Any other information the Department deems necessary.

2. As used in this section ~~[-"prevailing"]~~ :

(a) *"Prevailing indoor vehicle storage rate" means the average daily charge for storing a motor vehicle indoors, as reported in the survey for a specific geographic area.*

(b) *"Prevailing labor rate" means the average labor rate , as reported in the survey ~~[-in]~~ for a specific geographic area.*

(c) *"Prevailing outdoor vehicle storage rate" means the average daily charge for storing a motor vehicle outdoors, as reported in the survey for a specific geographic area.*

Sec. 7. NRS 487.6871 is hereby amended to read as follows:

487.6871 1. Each garage operator shall display conspicuously in those areas of his or her place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF
MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF
RIGHTS AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is REGISTERED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed \$50. (NRS 487.6875)

YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 487.6871)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 487.6883)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 487.6877)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.6893)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

2. Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign,

not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA
LICENSED BODY SHOP
THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF
MOTOR VEHICLES
NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF
RIGHTS AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is LICENSED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed \$50 ~~[-]~~ *and, if any, the rate of and circumstances under which you will be charged more than \$50 for the storage of your vehicle.* (NRS 487.6875)

YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 487.6871)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 487.6883)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 487.6877)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle ~~[-]~~ *and for storage of your vehicle, if applicable.* (NRS 487.6893)

FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF MOTOR VEHICLES

3. The sign required pursuant to the provisions of subsection 1 or 2 must include a replica of the Great Seal of the State of Nevada. The Seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

4. *The sign required pursuant to the provisions of subsection 1 or 2 must also include the words "The Compliance Enforcement Division of the Department of Motor Vehicles can be reached at," followed by the Internet address of the Compliance Enforcement Division and the telephone number of the nearest office of the Compliance Enforcement Division.*

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 8. NRS 487.6873 is hereby amended to read as follows:

487.6873 Whenever any body shop or garage operator accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, the body shop or garage operator shall comply with the provisions of NRS 487.6873 to 487.6893, inclusive ~~[, and sections 2, ~~and~~ 3 and 3.5 of this act.~~

Sec. 9. NRS 487.6875 is hereby amended to read as follows:

487.6875 1. Except as otherwise provided in NRS 487.6879, a person requesting or authorizing the repair of a motor vehicle that is more than \$50 must be furnished a written estimate or statement signed by the person making the estimate or statement on behalf of the body shop or garage operator indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

- (a) Diagnosis and disassembly; and
- (b) Reassembly, if the person does not authorize the repair.

3. *In an estimate furnished pursuant to subsection 1, a body shop ~~must~~ shall include, if any, the rate of and circumstances under which the person requesting or authorizing the repair would incur a charge for storage that exceeds \$50.*

4. The provisions of this section do not require a body shop or garage operator to reassemble a motor vehicle if the body shop or garage operator determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

Sec. 10. NRS 487.6881 is hereby amended to read as follows:

487.6881 1. An owner and the insurer of a motor vehicle who have been notified of additional charges pursuant to NRS 487.6877 shall:

- (a) Authorize the performance of the repair at the additional expense; or
- (b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the body shop or garage operator shall not undertake any repair which would involve such additional charges.

3. If the owner or insurer of the motor vehicle elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after the election ~~[, the body shop or]~~:

- (a) *The garage operator may charge for storage of the motor vehicle.*
- (b) *The body shop may impose a reasonable charge for storage of the motor vehicle in accordance with the provisions of section 2 of this act.*

Sec. 11. NRS 487.6893 is hereby amended to read as follows:

487.6893 1. If charges are made for the repair of a motor vehicle, the garage operator or body shop making the charges shall present to the person authorizing repairs or the person entitled to possession of the motor vehicle a statement of the charges setting forth the following information:

- (a) The name and signature of the person authorizing repairs;
- (b) A statement of the total charges;
- (c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for labor; ~~and~~
- (d) ~~[A]~~ *In the case of a garage operator, a description of all other charges* ~~[-]~~; *and*
- (e) *In the case of a body shop, a description of all other charges, including, without limitation, charges, if any, for storage of the motor vehicle.*

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in this State, no lien for labor or materials provided under NRS 108.265 to 108.367, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered owner and the legal owner of the motor vehicle. In all other cases, the notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

Sec. 12. NRS 487.6895 is hereby amended to read as follows:

487.6895 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Director, or of any person allegedly aggrieved by a violation of the provisions of NRS 487.6875 to 487.6893, inclusive, *and sections 2, ~~and~~ 3 and 3.5 of this act* to enjoin any violation of the provisions of NRS 487.6875 to 487.6893, inclusive ~~[-]~~, *and sections 2, ~~and~~ 3 and 3.5 of this act.*

Sec. 13. NRS 487.6897 is hereby amended to read as follows:

487.6897 Any person who knowingly violates any provision of NRS 487.6873 to 487.6893, inclusive, *and sections 2, ~~and~~ 3 and 3.5 of this act* is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than \$500 for each offense, which may be recovered by civil action on complaint of the Director or the district attorney.

Sec. 14. NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of NRS 487.530 to 487.690, inclusive, *and sections 2, ~~and~~ 3 and 3.5 of this act* is guilty of a misdemeanor.

Sec. 15. This act becomes effective on July 1, 2013.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 631 to Senate Bill No. 170.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 210.

The following Assembly Amendments were read:

Amendment No. 846.

"SUMMARY—Revises provisions governing certain motor carriers. (BDR 58-949)"

"AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers to obtain a driver's permit issued by the Nevada Transportation Authority; imposing a fee for such a permit; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791) This bill requires a person who wishes to be employed or enter into a contract or lease as a driver for certain motor carriers to obtain a driver's permit issued by the Authority. This bill also establishes the requirements and procedures to obtain such a permit.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *A person shall not drive a charter bus, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.*

2. *The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:*

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and may further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. *The Authority may refuse to issue a driver's permit if:*

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(b) After further investigation into the applicant's background, if any, the Authority determines that ~~the~~

~~(1) The applicant is morally unfit; or~~

~~(2) The~~ ~~the~~ issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed \$50.

(c) For the renewal of a driver's permit, a fee not to exceed \$50.

Sec. 3. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a driver's permit pursuant to section 2 of this act shall:

(a) Include the social security number of the applicant in the application submitted to the Authority.

(b) Submit to the Authority the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Authority shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority if the applicant:

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

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

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

Sec. 4. 1. If the Authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Authority shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 5. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, and sections 2, 3 and 4 of this act relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 7. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

Sec. 8. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 9. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 10. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* or by

the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[-]~~, *and sections 2, 3 and 4 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[-]~~, *and sections 2, 3 and 4 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[-]~~, *and sections 2, 3 and 4 of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➡ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➡ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 11. 1. This act becomes effective:

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

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

2. Sections 3 and 4 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➤ are repealed by the Congress of the United States.

Amendment No. 862.

"SUMMARY—Revises provisions governing certain motor carriers. (BDR 58-949)"

"AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers to obtain a driver's permit issued by the Nevada Transportation Authority; imposing a fee for such a permit; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791) This bill requires a person who wishes to be employed or enter into a contract or lease as a driver for certain motor carriers to obtain a driver's permit issued

by the Authority. This bill also establishes the requirements and procedures to obtain such a permit.

Under existing law, the provision of "charter service by bus" is regulated by the Nevada Transportation Authority and a person wishing to provide intrastate charter service by bus is required to obtain a certificate of public convenience and necessity from the Authority, and is prohibited from engaging in certain acts. (NAC 706.034, 706.1377, 706.352, 706.355) The regulation of charter service by bus in the Nevada Administrative Code is not affected by the provisions of this bill requiring certain drivers to obtain a driver's permit issued by the Authority.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *A person shall not drive a charter bus ~~for~~ for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.*

2. *The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:*

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and may further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. *The Authority may refuse to issue a driver's permit if:*

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) *A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or*

(3) *A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.*

(b) *After further investigation into the applicant's background, if any, the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.*

4. *A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.*

5. *An applicant shall pay to the Authority:*

(a) *A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.*

(b) *For an original driver's permit, a fee not to exceed \$50.*

(c) *For the renewal of a driver's permit, a fee not to exceed \$50.*

6. *As used in this section, "charter bus transportation" means transportation by bus of a group of persons who, pursuant to a common purpose and under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. The term does not include:*

(a) The transportation of passengers and their baggage in the same vehicle for a per capita charge between airports or between an airport and points and places in this State;

(b) The transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sight-seeing or visiting those points of interest where a narrated tour is presented to the passengers; or

(c) The transportation of persons who have acquired the use of a vehicle for a special event between definite points of origin and destination, at a per capita rate.

Sec. 3. 1. *In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a driver's permit pursuant to section 2 of this act shall:*

(a) *Include the social security number of the applicant in the application submitted to the Authority.*

(b) *Submit to the Authority the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human*

Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Authority shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority if the applicant:

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

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

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

Sec. 4. 1. If the Authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Authority shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 5. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 7. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 8. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 9. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial

enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 10. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~of~~, *and sections 2, 3 and 4 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~of~~, *and sections 2, 3 and 4 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~of~~, *and sections 2, 3 and 4 of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➔ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➔ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor

carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 11. 1. This act becomes effective:

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

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

2. Sections 3 and 4 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

Senator Manendo moved that the Senate concur in the Assembly Amendments Nos. 846, 862, to Senate Bill No. 210.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 217.

The following Assembly Amendment was read:

Amendment No. 630.

"SUMMARY—Revises provisions relating to the manner of performing work on roads in smaller counties. (BDR 35-925)"

"AN ACT relating to county roads; revising provisions relating to the manner of performing work for the construction and repair of roads and bridges in smaller counties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the county commissioners of the county make up the board of county highway commissioners. (NRS 403.010) With exceptions for emergencies and instances in which a county performs its own work with day labor and county equipment, if the construction of any superstructure related to a county road may require the expenditure of \$500 or more, the board of county highway commissioners is required to advertise for bids and let contracts pursuant to certain competitive bidding provisions imposed on local government. (NRS 332.039, 403.490) Section 1 of this bill provides that if the probable cost of road work does not exceed \$100,000, a county may advertise for bids and let contracts pursuant to chapter 332 or 338 of NRS or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds \$100,000, a county is required to advertise for bids and let contracts pursuant to chapter 332 or 338 of NRS, except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties), the board of county highway commissioners may instead determine, at a hearing and with the provision of certain notice requirements, to perform the work with county employees or day labor and using county equipment if the estimated cost of the project is more than \$100,000 but less than \$250,000. Section 2 of this bill makes a parallel, conforming change with respect to the construction and repair of bridges.

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

Section 1. NRS 403.490 is hereby amended to read as follows:

403.490 1. To perform any work or construct any superstructure under this chapter wherein an expenditure of ~~[\$500]~~ \$100,000 or more may be necessary, the board of county highway commissioners shall cause definite plans of such work or superstructure to be made, estimates of the amount of work to be done and the probable cost thereof, together with a copy of the specifications thereof.

2. ~~[Upon]~~ *Except as otherwise provided in subsection 3, upon receipt of the plans, estimates and specifications ~~[+]~~ for a project for which the estimated cost is \$100,000 or more, the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 332 or 338 of NRS ~~[+]~~, as applicable.*

3. ~~[After submission of bids, the board of county highway commissioners may reject any and all bids and advertise anew, or the board may order the work done by day's work under the supervision of the county road supervisor.]~~ *In a county whose population is less than 45,000, if the estimated cost of a project is \$100,000 or more but less than \$250,000, the board of county highway commissioners may hold a hearing to determine, by majority vote of the board, if the project can be performed by county employees or through the employment of day labor under the supervision of the board and by the use of its own machinery, tools and other equipment without advertising for bids and letting contracts pursuant to subsection 2. Notice for such a hearing must be provided not less than 15 days before the date of the hearing and must be published pursuant to the provisions of NRS 238.010 to 238.080, inclusive. The board shall provide, in the notice and at least 15 days before the hearing at the office of the board and at the place of the hearing, the following information, without limitation:*

(a) A list of:

(1) All county employees, if any, including supervisors, who will perform the work, including, without limitation, the classification of each employee and an estimate of the direct and indirect costs of the labor;

(2) The number of day laborers, if any, that will be employed to perform the work; and

(3) All machinery, tools and other equipment of the county to be used on the project.

(b) An estimate of:

(1) The direct and indirect costs of the labor of the county employees who will perform the work, if any;

(2) The direct and indirect costs of the labor of any day laborers who will be employed to perform the work ~~for~~ pursuant to chapter 338 of NRS;

(3) The cost of any administrative support that will be required for the performance of the work;

(4) The total cost of the project, including, without limitation, the fair market value or, if available, the actual cost of all materials, supplies, equipment and labor necessary for the project; and

(5) The amount of savings to be realized by having county employees or day laborers perform the work.

4. In cases of emergency the board of county highway commissioners may let contracts for repairs in the manner prescribed by chapter 332 of NRS.

5. Nothing in this section shall prevent any county from opening, building, improving or repairing any public road or highway in the county ~~[by the]~~ *through the work of county employees or the employment of day labor, under the supervision of the board of county highway commissioners and by the use of its own machinery, tools and other equipment, without letting contracts to the lowest responsible bidder, ~~[irrespective of]~~ if the probable cost of the work ~~[]~~ does not exceed \$100,000.*

Sec. 2. NRS 403.600 is hereby amended to read as follows:

403.600 1. No bridge shall be constructed or repaired except on the order of the board of county commissioners, or unless a petition is filed as provided in NRS 403.610.

2. In entering into a contract for the construction or repair of a bridge, the board of county commissioners shall comply with ~~[chapter 332 of]~~ NRS ~~[.]~~ 403.610.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 630 to Senate Bill No. 217.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 244.

The following Assembly Amendment was read:

Amendment No. 696.

"SUMMARY—Authorizes the ~~[indication]~~ placement of a designation of veteran status on ~~[instruction permits, drivers' licenses and identification cards.]~~ certain documents issued by the Department of Motor Vehicles. (BDR 43-80)"

"AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver's license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections 6 and 9 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) ~~[wishes]~~ requests to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States, submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of section 6 or 9, as applicable, sections 2 and 3 of this bill require the Department to place ~~[the word "Veteran"]~~ a designation that the person is a veteran on the person's instruction permit, driver's license or identification card, as appropriate.

Sections 6 and 9 also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces ~~of the United States.~~

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Upon the application of a person who ~~desires to declare~~ requests that his or her instruction permit or driver's license indicate that he or she is a veteran of the Armed Forces of the United States ~~and has fulfilled the requirements of~~ pursuant to subsection 3 of NRS 483.292, and who satisfies the requirements of that subsection, the Department shall ~~indicate~~ place on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran ~~by imprinting on the instruction permit or driver's license the word "Veteran."~~

2. The Director shall determine the design and placement of the ~~indication~~ designation of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.

Sec. 3. 1. Upon the application of a person who ~~desires to declare~~ requests that his or her identification card indicate that he or she is a veteran of the Armed Forces of the United States ~~and has fulfilled the requirements of~~ pursuant to subsection 3 of NRS 483.852, and who satisfies the requirements of that subsection, the Department shall ~~indicate~~ place on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, a designation that the person is a veteran ~~by imprinting on the identification card the word "Veteran."~~

2. The Director shall determine the design and placement of the ~~indication~~ designation of veteran status required by subsection 1 on any identification card to which this section applies.

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, and section 2 of this act apply only with respect to noncommercial drivers' licenses.

Sec. 5. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, and section 2 of this act, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for the initial issuance of an instruction permit or driver's license pursuant to NRS 483.290 ~~or the renewal of an instruction permit or driver's license~~, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ :

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[]~~ ; and

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]~~ In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have ~~[imprinted]~~ placed on his or her instruction permit or driver's license ~~[the word "Veteran"]~~ a designation that he or she is a veteran, as described in section 2 of this act, must:

(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an instruction permit or driver's license upon which ~~[the word "Veteran"]~~ a designation that the person is a veteran:

(1) Is not ~~[imprinted]~~ placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is ~~[imprinted]~~ placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes ~~[to continue to have the word "Veteran" imprinted upon]~~ the instruction permit or driver's license ~~[]~~ to continue to designate that the person is a veteran.

4. The Department shall, at least once each ~~[quarter]~~ month:

(a) Compile ~~[the aggregate number]~~ a list of persons who have, during the immediately preceding ~~[quarter]~~ month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ list to the Office of Veterans Services to be used for statistical and communication purposes.

Sec. 7. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive ~~and~~, *and section 2 of this act*; or

(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 8. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and section 2 of this act*, unless such violation is, by NRS 483.010 to 483.630, inclusive, *and section 2 of this act*, or other law of this State, declared to be a felony.

Sec. 9. NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for *the initial issuance of* an identification card pursuant to NRS 483.850 ~~and~~ *or the renewal of an identification card pursuant to NRS 483.875*, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~evidence~~ :

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[]~~; and

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]~~ In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have ~~imprinted~~ placed on his or her identification card ~~the word "Veteran"~~ a designation that he or she is a veteran, as described in section 3 of this act, must:

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an identification card upon which ~~the word "Veteran"~~ a designation that the person is a veteran:

(1) Is not ~~imprinted~~ placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is ~~imprinted~~ placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes ~~to continue to have the word "Veteran" imprinted upon~~ the identification card ~~to~~ to continue to designate that the person is a veteran.

4. The Department shall, at least once each ~~quarter~~ month:

(a) Compile ~~the aggregate number~~ a list of persons who have, during the immediately preceding ~~quarter~~ month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~number~~ list to the Office of Veterans Services to be used for statistical and communication purposes.

Sec. 10. This act becomes effective on January 1, 2014.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 696 to Senate Bill No. 244.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 266.

The following Assembly Amendment was read:

Amendment No. 645.

"SUMMARY—Revises provisions governing coverage for chemotherapy in a policy of health insurance or health care plan. (BDR 57-879)"

"AN ACT relating to insurance; prohibiting certain policies of health insurance and health care plans from making monetary limits of coverage for certain orally administered chemotherapy less favorable to the insured than other forms of chemotherapy; limiting the total combined amount of any copayment, deductible or coinsurance for chemotherapy administered orally; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 1, 3-5, 8 and 9 of this bill prohibit a health care plan and policy of insurance, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy from making the monetary limits of coverage for orally administered chemotherapy different than other types of chemotherapy. Sections 1, 3-5, 8 and 9 further prohibit such a health care plan or policy of insurance from meeting this requirement by decreasing the monetary limits for chemotherapy under the policy or plan. Sections 1, 3-5, 8 and 9 also prohibit such a health care plan and policy of insurance from requiring a copayment, deductible or coinsurance amount for orally administered chemotherapy in a combined amount that is more than \$100 per prescription.

The provisions of this bill apply prospectively to any policy of insurance or health care plan ~~offered through the Silver State Health Insurance Exchange on or after January 1, 2015, and to any other policy of insurance or health care plan~~ that is delivered, issued for delivery or renewed on or after January 1, ~~2014,~~ 2015.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:*

(a) *Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than \$100 per prescription.*

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void. ~~if the policy is =~~

~~(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or~~

~~(b) For any other policy, delivered, issued for delivery or renewed on or after January 1, 2014.]~~

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than \$100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy

which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than \$100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A contract subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the contract or renewal which is in conflict with this section is void. ~~if the contract is:~~

~~(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or~~

~~(b) For any other contract, delivered, issued for delivery or renewed on or after January 1, 2014.~~

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than \$100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. Evidence of coverage subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void. ~~if the evidence of coverage is:~~

~~(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or~~

~~(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.]~~

3. Nothing in this section shall be construed as requiring a health maintenance organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, *and section 5 of this act*, 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 5 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080;
or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:*

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than \$100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. *An evidence of coverage for a health care plan subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.* ~~*If the evidence of coverage is:*~~

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. *Nothing in this section shall be construed as requiring a managed care organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.*

Sec. 8.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.200 to 695G.230, inclusive, and 695G.430 *and section 8 of this act*, do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:*

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than \$100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A plan of self-insurance subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the plan or the renewal which is in conflict with this section is void. ~~if the plan is~~

~~(a) A qualified health plan, as defined in NRS 6951.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or~~

~~(b) For any other plan, delivered, issued for delivery or renewed on or after January 1, 2014.]~~

3. Nothing in this section shall be construed as requiring the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 9.5. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. *The provisions of section 9 of this act do not apply to a trust fund established pursuant to this section before October 1, 2013.*

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 8 of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Atkinson moved that the Senate concur in the Assembly Amendment No. 645 to Senate Bill No. 266.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 302.

The following Assembly Amendment was read:

Amendment No. 699.

"SUMMARY—Requires taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers certain information. (BDR 58-846)"

"AN ACT relating to taxicabs; requiring taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers information concerning the results of certain tests for the presence of alcohol or a controlled substance under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Nevada Transportation Authority regulates taxicabs in a county whose population is less than 700,000 (currently counties other than Clark County) and in any county that has enacted an ordinance to place itself under the jurisdiction of the Taxicab Authority. (NRS 706.166, 706.881) This bill provides that subject to certain conditions, if a taxicab motor carrier regulated by the Authority requires an employee ~~or prospective employee~~ or lessee ~~or prospective lessee~~ to submit to a test for the presence of alcohol or a controlled substance in his or her blood, breath or urine and the person tests positive for the presence of alcohol or a controlled substance in his or her blood, breath or urine, the taxicab motor carrier is required to: (1) maintain a record of the results of the test; (2) provide a record of the results of the test to the Authority; and (3) ~~subject to certain conditions~~, release a record of the results of the test to another taxicab motor carrier upon request. The results of such a test must be recorded only as positive or negative, and must not be maintained by a taxicab motor carrier or the Authority for a period of more than 1 year.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. If~~ Except as otherwise provided in this section, if a taxicab motor carrier requires an employee ~~or prospective employee~~ or lessee ~~or prospective lessee~~ to submit to a test for the presence of alcohol or a controlled substance in his or her blood, breath or urine and the employee ~~or prospective employee~~ or lessee ~~or prospective lessee~~ tests positive for the presence of alcohol or a controlled substance in his or her blood, breath or urine, the taxicab motor carrier shall:

(a) Maintain a record of the results of the test;
(b) Provide to the Authority a record of the results of the test; and
(c) ~~Except as otherwise provided in this section, release~~ Release a record of the results of the test to another taxicab motor carrier upon request.

2. For the purposes of this section, a record of the results of a test administered as described in subsection 1:

(a) Must indicate only that the results of the test were positive or negative; and

(b) Must not be maintained by a taxicab motor carrier or the Authority for a period of more than 1 year.

3. The Authority may adopt regulations to carry out its duties pursuant to this section.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of this act* relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 4. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 5. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of this act* for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 6. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of this act* do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 7. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~{-}~~, *and section 1 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~{-}~~, *and section 1 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~{-}~~, *and section 1 of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➔ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➔ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 699 to Senate Bill No. 302.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 312.

The following Assembly Amendment was read:

Amendment No. 733.

"SUMMARY—Makes various changes concerning victim impact panels. (BDR 43-888)"

"AN ACT relating to driving under the influence; revising provisions concerning impact panels of victims of crimes involving driving under the influence of intoxicating liquor or a controlled substance ; ~~in certain counties;~~ providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a judge who sentences a defendant for a crime involving driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance is required to order the defendant to attend in person a live meeting of a panel of victims. ~~[in person,]~~ unless such a meeting is not available within 60 miles of the defendant's residence. The judge or judges in each judicial district are responsible for maintaining a list of the panels of persons who have been injured or have had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance and who have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes. (NRS 484C.530)

Sections 2-13 of this bill ~~[make various changes concerning such]~~ establish the requirements for victim impact panels ~~[in each judicial district in a county whose population is 100,000 or more (currently Clark and Washoe Counties).]~~ to be sponsored and conducted by organizations, in lieu of or in addition to the panels held under the direction and supervision of the judges.

In particular, sections 2-13 make the Department of Motor Vehicles responsible for regulating the organizations that sponsor and conduct victim impact panels. Section 6 requires organizations that wish to sponsor victim impact panels to be registered with the Department and establishes the requirements for such registration. Section 7 requires that each meeting of such a victim impact panel be conducted by a qualified coordinator and specifies the training ~~[, knowledge and experience]~~ required to serve as a coordinator. Section 8 requires victims who wish to make a presentation as a member of such a victim impact panel to submit to the sponsor information concerning the events that gave rise to the harms suffered by the victim and provides a criminal penalty for persons who make false statements in connection with such harms. Section 9 establishes requirements for meetings of such victim impact panels and requires that, if such a meeting is conducted in person, ~~[there]~~ security personnel must be present at the site of the meeting. ~~[security personnel who are trained in the detection of a person who is under the influence of a controlled substance or intoxicating liquor.]~~ Section 9 further authorizes a meeting of such a victim impact panel to be conducted by means of videoconferencing or other form of electronic communication. Sections 10-12 establish various procedures for the receipt

and disbursement of money generated from fees for attending meetings of panels, administrative fines and civil penalties. Section 13 requires the Department to adopt regulations to carry out its duties relating to sections 2-13. Section 14 of this bill adds references to the new requirements of sections 2-13 to the existing requirements for victim impact panels, which remain in effect for panels held under the direction and supervision of the judge or judges of each judicial district ~~[in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties)]~~

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

Section 1. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Registered sponsor" means an organization in this State that is registered with the Department to sponsor meetings of victim impact panels.*

Sec. 4. *"Victim" means a person who has been injured or has had a member of his or her family or a close friend injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct.*

Sec. 5. *"Victim impact panel" or "panel" means three or more victims who meet in the presence of persons who have been sentenced for crimes involving driving while under the influence of intoxicating liquor or a controlled substance to discuss collectively the personal effect on the victims of such crimes.*

Sec. 5.5. ~~*[The provisions of sections 2 to 13, inclusive, of this act do not apply to a county whose population is less than 100,000.]*~~ (Deleted by amendment.)

Sec. 6. 1. *An organization that wishes to sponsor meetings of victim impact panels pursuant to ~~subsections~~ subsection 2 ~~and 4~~ of NRS 484C.530 and sections 2 to 13, inclusive, of this act, must be registered with the Department.*

2. *An application for registration must be submitted in the form prescribed by the Department. The application must include, without limitation:*

(a) *Proof that the organization is:*

(1) *A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended, or a corporation for public benefit as defined in NRS 82.021; and*

(2) Is registered with the Secretary of State, if registration is required by law.

(b) A list of the names of all victims who at the time of the application have:

(1) Expressed to the organization a willingness to serve as members of a panel; and

(2) Submitted the documentary or other ~~evidence~~ information required pursuant to section 8 of this act.

(c) The name of at least one qualified coordinator who satisfies the requirements of section 7 of this act and who is available to conduct meetings of victim impact panels on behalf of the registered sponsor.

(d) ~~A curriculum that describes the material to be covered during each meeting of a victim impact panel.~~

~~(e)~~ If the sponsor intends to conduct a meeting of a victim impact panel by videoconference or other electronic means, a description of the facilities for such communication that the sponsor intends to use.

3. A registered sponsor must renew its registration annually in accordance with procedures established by the Department.

4. The Department may, at reasonable times and without notice, inspect the facilities and records of a registered sponsor.

5. If the Department determines that a person or organization has sponsored a victim impact panel without being registered pursuant to this section, the Department shall:

(a) ~~Impose a \$5,000~~ an administrative fine of not more than \$5,000 on the person or organization; and

(b) Refuse to accept an application for registration from the person or organization for 2 years after the date of the Department's determination.

Sec. 7. 1. Each meeting of a victim impact panel sponsored by a registered sponsor must be conducted by a qualified coordinator. A coordinator must ~~be~~

~~(a) Have~~ have successfully completed specialized training in victim advocacy, including, without limitation, training offered by the National Organization for Victim Assistance or a comparable organization that is nationally recognized. ~~be~~

~~(b) Have at least 5 years of experience in victim advocacy; and~~

~~(c) Possess significant knowledge and experience in matters relevant to the conduct of a victim impact panel, including, without limitation, sudden violent death, critical and catastrophic injuries, the grieving process, the recovery process, post-traumatic stress disorder, survivor guilt, financial trauma, laws relating to driving under the influence of intoxicating liquor or a controlled substance, the preparation of victim impact statements and sensitivity to individual gender, racial and cultural diversity.~~

~~The training, experience and knowledge of the coordinator must have been gained with victims of crimes involving driving while under the influence of intoxicating liquor or a controlled substance.~~

~~2. A person may not serve as a coordinator of a victim impact panel if the person has ever been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:~~

~~(a) A felony in this State or under the laws of any state, territory or possession of the United States; or~~

~~(b) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct or a lesser charge, if the person's plea to the lesser charge was in exchange for the dismissal of a charge of a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~2.7~~ 2. If the Department determines that a registered sponsor has violated any provision of this section, the Department shall revoke the registration of the sponsor.

Sec. 8. 1. Before a victim may make a presentation as a member of a victim impact panel in a meeting of the panel conducted pursuant to ~~section 7~~ sections 2 to 13, inclusive, of this act, the victim must submit to the registered sponsor documentary and other information concerning the events that gave rise to the harms suffered by the victim. ~~The information may include, without limitation:~~

~~(a) Reports of peace officers and statements of witnesses;~~

~~(b) Affidavits signed by the victim or other persons;~~

~~(c) Published or other media accounts;~~

~~(d) Photographs, video or film footage; and~~

~~(e) Medical records.~~

2. A registered sponsor shall verify the accuracy of the information provided by the victim and certify its accuracy to the Department.

3. A person who knowingly makes a false statement, certifies to an incorrect document or withholds information for the purpose of receiving or assisting another person in receiving victim compensation or some other benefit under ~~subsections~~ subsection 2 ~~and 4~~ of NRS 484C.530 and sections 2 to 13, inclusive, of this act to which he or she is not entitled is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 and the performance of not more than 100 hours of community service pursuant to the conditions prescribed in NRS 176.087.

Sec. 9. 1. A meeting of a victim impact panel conducted pursuant to ~~section 7~~ sections 2 to 13, inclusive, of this act:

(a) Must include presentations by not fewer than three panel members. ~~A registered sponsor shall not allow a victim to make a presentation as a member of a panel more than two times during any month.~~

~~(b) Must not include a presentation by a victim or any other person who:~~

~~(1) Injured or killed another person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited~~

~~by NRS 484C.110, 484C.120, 484C.130 or 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~(2) Was an adult passenger who was not injured in a vehicle that injured or killed another person while being driven by such a person;~~

~~(c)~~ (b) May be conducted in person or by videoconference or other electronic means approved by the Department; and

~~(d)~~ (c) Must, if conducted in person, have security personnel present during the meeting at the site of the meeting. ~~security personnel who are trained in the detection of a person who is under the influence of:~~

~~(1) A controlled substance; and~~

~~(2) Intoxicating liquor.~~

2. If the Department determines that a registered sponsor has violated any provision of this section, the Department shall suspend the registration of the sponsor for 1 year and may impose an administrative fine of not more than \$1,000.

Sec. 10. 1. A registered sponsor shall collect the fees established by the court pursuant to subsection 2 of NRS 484C.530 from defendants who attend a meeting of a victim impact panel.

2. ~~A registered sponsor shall not generate a profit from his or her sponsorship or conducting any meeting of a victim impact panel.~~

~~3.~~ Of the money collected by a registered sponsor pursuant to this section:

(a) Not less than 20 percent must:

(1) If the Department adopts regulations providing for the conduct of programs of victim compensation by registered sponsors, be disbursed by the registered sponsor directly to a victim for services, including, without limitation:

(I) Funeral expenses;

(II) Medical expenses, expenses for psychological counseling and nonmedical remedial care and treatment rendered in accordance with a religious method of healing, which are actually and reasonably incurred as a result of the injury or death of a victim;

(III) Temporary assistance with the ordinary expenses of daily life, including, without limitation, housing, utilities and food;

(IV) Travel expenses, including, without limitation, airfare, car rental and hotel accommodations; and

(V) Other reasonable services for the victim; or

(2) Be remitted to the Department for deposit with the State Treasurer for credit to a separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to victims of crimes involving driving while under the influence of intoxicating liquor or a controlled substance. Any money received pursuant to this subparagraph must be accounted for separately in the Fund in the separate account described in section 11 of this act.

(b) Not less than 10 percent must be disbursed by the registered sponsor in the form of grants to law enforcement agencies in this State to support activities relating to crimes involving driving while under the influence of intoxicating liquor or a controlled substance, including, without limitation, purchase of equipment, enforcement, specialized training and community education programs.

~~4.1~~ 3. A registered sponsor shall, on a quarterly basis, submit a financial statement to the Department and shall submit an annual financial statement in connection with its application for the renewal of its registration. The financial statement must be in a format prescribed by the Department and include, without limitation:

(a) The name and address of each victim and law enforcement agency to which the registered sponsor made a disbursement;

(b) The amount of each disbursement;

(c) The date of each disbursement; and

(d) An itemization of the services or purposes for which the money was disbursed.

➔ Each disbursement must be supported by a receipt or other evidence of the disbursement.

~~5.1~~ 4. If the Department determines that a registered sponsor has violated any provision:

(a) Of this section, the Department shall suspend the registration of the sponsor for not more than 2 years; and

(b) Of subsection 1, the Department shall impose an administrative fine of not more than \$5,000.

Sec. 11. All administrative fines collected by the Department pursuant to sections 2 to 11, inclusive, of this act, must be deposited with the State Treasurer for credit to a separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to victims of crimes involving driving while under the influence of intoxicating liquor or a controlled substance.

Sec. 12. 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 is liable to the State for a civil penalty of \$5, payable to the Department.

2. Any money received by the Department pursuant to subsection 1 must be retained by the Department and used to defray the expenses incurred by the Department to administer the provisions of ~~subsections~~ subsection 2 ~~and 4~~ of NRS 484C.530 and sections 2 to 13, inclusive, of this act.

Sec. 13. The Department shall adopt regulations to carry out the provisions of sections 2 to 13, inclusive, of this act.

Sec. 14. NRS 484C.530 is hereby amended to read as follows:

484C.530 1. ~~The~~ Except as otherwise provided in subsection 2, the judge or judges in each judicial district ~~in a county whose population is less than 100,000~~ shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes ~~at a panel held under the direction and supervision of the judge or judges at the courthouse.~~

➡ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. ~~The~~ In lieu of, or in addition to, a list of panels described in subsection 1, the judge or judges in each judicial district ~~in a county whose population is 100,000 or more shall~~ may cause the preparation and maintenance of a list of the registered sponsors of victim impact panels that are registered with the Department pursuant to section 6 of this act. The list must include the name and telephone number of the registered sponsor to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with the Department and representatives of the registered sponsors of the panels, the fees to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fees must be reasonable.

3. Except as otherwise provided in this subsection, ~~in a county whose population is less than 100,000,~~ if a defendant pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, any violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend in person, at the defendant's expense, a live meeting of a panel ~~[of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct,]~~ listed pursuant to subsection 1 or conducted by a registered sponsor listed pursuant to subsection 2 in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1 ~~[1]~~ or 2.

↪ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

4. ~~Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, if a defendant pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, any violation of NRS 184C.110, 184C.120, 184C.130 or 184C.130, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:~~

~~(a) Attend in person or by videoconference or other electronic means if a live meeting of a panel is not available within 60 miles of the defendant's residence, at the defendant's own expense, a live meeting of a victim impact panel conducted pursuant to section 7 of this act in order to have the defendant understand the effect such a crime has on other persons; and~~

~~(b) Pay the fees established by the court pursuant to subsection 2.~~

~~5.]~~ A person ordered to attend a meeting pursuant to subsection ~~[2]~~ 3 ~~for~~ shall, after attending the meeting, present evidence or other documentation satisfactory to the court that the person attended the meeting and remained for its entirety.

5. As used in this section, "judge" means:

(a) A judge of a district court;

(b) A judge of a municipal court; and

(c) A justice of the peace.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 733 to Senate Bill No. 312.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 313.

The following Assembly Amendment was read:

Amendment No. 698.

"SUMMARY—Revises provisions relating to autonomous vehicles. (BDR 43-954)"

"AN ACT relating to autonomous vehicles; requiring an autonomous vehicle that is being tested on a highway within this State to meet certain conditions relating to a human operator; prohibiting an autonomous vehicle from being registered in this State, or tested or operated on a highway within this State, unless it meets certain conditions; providing that the manufacturer of a motor vehicle that has been converted to be an autonomous vehicle by a third party is immune from liability for certain injuries in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways

within the State of Nevada. (NRS 482A.100) Sections 2 and 7 of this bill exclude a vehicle that contains certain systems for assisting the driver from being an autonomous vehicle unless the combined effect of all such systems is to enable the vehicle to be driven without the active control or monitoring of a human operator. Section 2.5 of this bill requires a person or entity to submit to the Department proof of insurance or other proof of financial responsibility, in the amount of \$5,000,000, before testing an autonomous vehicle on a highway within this State. Section 3 of this bill requires an autonomous vehicle that is being tested on a highway within this State to have a human operator who is seated in the driver's seat, monitoring the safe operation of the vehicle and capable of taking over control of the vehicle in an emergency. Section 4 of this bill prohibits an autonomous vehicle from being registered in this State unless it meets federal standards and regulations. Section 4 also prohibits an autonomous vehicle from being tested or operated on a highway within this State unless it is equipped with certain equipment to ensure its safe operation and can be operated in compliance with the motor vehicle and traffic laws of this State. Section 5 of this bill provides that the manufacturer of a motor vehicle that has been converted to an autonomous vehicle by a third party is not liable for an injury that results from that conversion unless the defect that caused the injury was present in the vehicle as originally manufactured.

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

Section 1. Chapter 482A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Autonomous technology" means technology which is installed on a motor vehicle and which has the capability to drive the motor vehicle without the active control or monitoring of a human operator. The term does not include an active safety system or a system for driver assistance, including, without limitation, a system to provide electronic blind spot detection, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless any such system, alone or in combination with any other system, enables the vehicle on which the system is installed to be driven without the active control or monitoring of a human operator.*

Sec. 2.5. *Before a person or entity begins testing an autonomous vehicle on a highway within this State, the person or entity must:*

1. *Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of \$5,000,000; or*

2. *Make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Department in the amount of \$5,000,000.*

Sec. 3. *If an autonomous vehicle is being tested on a highway within this State, a human operator must be:*

1. *Seated in a position which allows the human operator to take immediate manual control of the autonomous vehicle;*
2. *Monitoring the safe operation of the autonomous vehicle; and*
3. *Capable of taking over immediate manual control of the autonomous vehicle in the event of a failure of the autonomous technology or other emergency.*

Sec. 4. 1. *An autonomous vehicle shall not be registered in this State unless the autonomous vehicle meets all federal standards and regulations that are applicable to a motor vehicle.*

2. *An autonomous vehicle shall not be tested or operated on a highway within this State unless the autonomous vehicle is:*

(a) *Equipped with a means to engage and disengage the autonomous technology which is easily accessible to the human operator of the autonomous vehicle;*

(b) *Equipped with a visual indicator located inside the autonomous vehicle which indicates when autonomous technology is operating the autonomous vehicle;*

(c) *Equipped with a means to alert the human operator to take manual control of the autonomous vehicle if a failure of the autonomous technology has been detected and such failure affects the ability of the autonomous technology to operate safely the autonomous vehicle; and*

(d) *Capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State.*

Sec. 5. *The manufacturer of a motor vehicle that has been converted by a third party into an autonomous vehicle is not liable for damages to any person injured due to a defect caused by the conversion of the motor vehicle or by any equipment installed to facilitate the conversion unless the defect that caused the injury was present in the vehicle as originally manufactured.*

Sec. 6. NRS 482A.010 is hereby amended to read as follows:

482A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[482A.020 to 482A.050, inclusive,]~~ 482A.030 and 482A.040 and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 482A.030 is hereby amended to read as follows:

482A.030 "Autonomous vehicle" means a motor vehicle that ~~[uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator.]~~ *is equipped with autonomous technology.*

Sec. 8. ~~[NRS 482A.200 is hereby amended to read as follows:~~

~~482A.200 The Department shall by regulation establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this section must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle [.] , except in case of emergency.]~~
(Deleted by amendment.)

Sec. 9. NRS 482A.020 and 482A.050 are hereby repealed.

Sec. 10. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

482A.020 "Artificial intelligence" defined. "Artificial intelligence" means the use of computers and related equipment to enable a machine to duplicate or mimic the behavior of human beings.

482A.050 "Sensors" defined. "Sensors" includes, without limitation, cameras, lasers and radar.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 698 to Senate Bill No. 313.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 321.

The following Assembly Amendments were read:

Amendment No. 684.

"SUMMARY—Enacts a "Homeowner's Bill of Rights." (BDR 9-748)"

"AN ACT relating to real property; revising provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; providing civil remedies for failure to comply with certain provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; authorizing a ~~defendant~~ mortgagor in a judicial foreclosure action to elect mediation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Existing law also provides for a judicial foreclosure action under certain circumstances for the recovery of any debt or for the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) Sections 2-16 of this bill establish additional ~~restrictions on the exercise of the trustee's power of sale and the judicial~~ requirements for the foreclosure of owner-occupied housing ~~which apply only to a residential mortgage loan secured by~~ securing a residential mortgage loan. Under section 7.5 of this bill, these additional restrictions do not apply to a ~~credit union~~ financial institution that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer owner-occupied homes located in this State. Under section 30 of this bill, these additional restrictions apply only to a notice of default and election to sell which is recorded on or after October 1, 2013.

Section 10 of this bill provides that at least 30 calendar days before recording a notice of default and election to sell or commencing a judicial foreclosure action and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust must

provide to the borrower certain information concerning the borrower's account, the foreclosure prevention alternatives offered by the mortgage servicer, mortgagee or beneficiary and a statement of the facts supporting the right of the mortgagee or beneficiary to foreclose. Section 11 of this bill prohibits the recording of a notice of default and election to sell or the commencement of a judicial foreclosure action involving a failure to make payment until the mortgage servicer complies with certain requirements regarding contact with, or attempts to contact, the borrower. Section 13 of this bill prohibits the practice commonly known as "dual-tracking" by prohibiting a mortgage servicer, trustee, mortgagee or beneficiary of a deed of trust from continuing the foreclosure process while an application for a foreclosure prevention alternative is pending or while the borrower is current on his or her obligation under a foreclosure prevention alternative. Section 14 of this bill requires a mortgage servicer to provide a single point of contact for a borrower who requests a foreclosure prevention alternative. Section 15 of this bill requires that under certain circumstances, a mortgage servicer, mortgagee or beneficiary of a deed of trust must ~~cause to be dismissed~~ dismiss a judicial foreclosure action or ~~cause to be withdrawn any~~ rescind a recorded notice of default and election or notice of sale. Section 16 of this bill provides for certain civil remedies for a material violation of the provisions of sections 2-16.

Section 18 of this bill provides that ~~a defendant~~ the mortgagor in a judicial foreclosure action concerning owner-occupied property, the mortgagor may elect to participate in the Foreclosure Mediation Program.

WHEREAS, The State of Nevada has been severely affected by the mortgage foreclosure crisis and consistently ranks as one of the top states for underwater home mortgage loans, mortgage defaults and foreclosures; and

WHEREAS, The dramatic increase in foreclosures during the mortgage foreclosure crisis has led to predatory and illegal practices by mortgage servicers and outside firms hired by mortgage servicers; and

WHEREAS, The Nevada Attorney General investigated and sued certain large financial institutions for engaging in illegal practices relating to the servicing of mortgage loans in default and entered into consent agreements and settlements requiring certain large financial institutions to adopt certain practices when servicing a mortgage loan in default; and

WHEREAS, The consent agreements and settlements only apply to the large financial institutions and are not permanent; and

WHEREAS, All homeowners in the State of Nevada deserve better consumer protections and fair and honest treatment in the servicing of mortgage loans in default; now therefore,

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~16~~ 16.5, inclusive, of this act.

Sec. 2. As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Borrower" means a natural person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan. The term does not include a natural person who:

1. Has surrendered the secured property as evidenced by a letter confirming the surrender or the delivery of the keys to the property to the mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person.

2. ~~Has contracted with an organization, person or entity whose primary business is advising persons who have decided to leave their homes on how to extend the foreclosure process and avoid their contractual obligations to mortgagees or beneficiaries of deeds of trust.~~

~~3.~~ Has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the bankruptcy case, or granting relief from a stay of foreclosure or trustee's sale.

Sec. 4. "Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage for deed of trust loan on the property ~~that is the subject of the notice of default and election to sell~~ or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale, as defined in NRS 40.4634.

Sec. 5. "Foreclosure sale" means the exercise of the trustee's power of sale pursuant to NRS 107.080 or a sale directed by a court pursuant to NRS 40.430.

Sec. 6. "Mortgage servicer" means a person ~~for entity~~ who directly services a residential mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person ~~for entity~~ providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.

Sec. 7. "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage ~~for~~ or deed of trust ~~for other equivalent, consensual security interest~~ on owner-occupied housing as defined in NRS 107.086.

Sec. 7.5. The provisions of sections 2 to 16, inclusive, of this act do not apply to a ~~credit union, financial institution, as defined in NRS 678.070, 660.045,~~ that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real

properties located in this State which constitute owner-occupied housing, as defined in NRS 107.086.

Sec. 7.7. The provisions of sections 2 to 16, inclusive, of this act must not be construed to authorize a mortgage servicer, a mortgagee or a beneficiary of a deed of trust to restrict a borrower from pursuing concurrently more than one foreclosure prevention alternative.

Sec. 8. 1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of sections 2 to 16, inclusive, of this act.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, ~~and a civil action for the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~secured by a mortgage or other lien upon real estate that is not barred by NRS 40.430~~ is subject to the requirements of sections 2 to 16, inclusive, of this act.

Sec. 9. 1. Any duty of a mortgage servicer to maximize net present value under a pooling and servicing agreement is owed to all parties in a loan pool, or to all investors under a pooling and servicing agreement, not to any particular party in the loan pool or investor under a pooling and servicing agreement.

2. A mortgage servicer acts in the best interests of all parties to the loan pool or investors in the pooling and servicing agreement if the mortgage servicer agrees to or implements a foreclosure prevention alternative for which both of the following apply:

(a) The residential mortgage loan is in payment default or payment default is reasonably foreseeable.

(b) Anticipated recovery under the foreclosure prevention alternative exceeds the anticipated recovery through foreclosure on a net present value basis.

Sec. 10. 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for ~~the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~that is not barred by NRS 40.430~~ and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 501 et seq.,

regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last ~~full~~ payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) *A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.*

2. *Unless a borrower has exhausted the process described in sections 12 and 13 of this act for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:*

(a) *That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;*

(b) *Whether ~~for~~ a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and*

(c) *Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.*

Sec. 11. 1. *A mortgage servicer, mortgagee, trustee, beneficiary of a deed of trust or an authorized agent of such a person may not record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commence a civil action for ~~the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~that is not barred by NRS 40.430~~ until:*

(a) *The mortgage servicer, mortgagee or beneficiary of the deed of trust has satisfied the requirements of subsection 1 of section 10 of this act;*

(b) *Thirty calendar days after initial contact is made with the borrower as required by subsection 2 or 30 calendar days after satisfying the requirements of subsection 5; and*

(c) *The mortgage servicer, mortgagee or beneficiary of the deed of trust complies with sections 12 and 13 of this act, if the borrower submits an application for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary ~~of the deed of trust.~~*

2. *The mortgage servicer shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale. During the initial contact, the mortgage servicer shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the mortgage servicer must schedule the meeting to occur within 14 calendar days after the request. The assessment of the borrower's financial situation and discussion of the options to avoid a foreclosure sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the borrower must be provided the toll-free telephone number made available by*

the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department. Any meeting pursuant to this subsection may occur by telephone.

3. The loss mitigation personnel of a mortgage servicer may participate by telephone during any contact with a borrower required by this section.

4. A borrower may designate, with consent given in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other adviser to discuss with the mortgage servicer, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid a foreclosure sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A foreclosure prevention alternative offered during any contact with a person or agency designated by a borrower pursuant to this subsection is subject to the approval of the borrower.

5. If a mortgage servicer has not contacted a borrower as required by subsection 2, a notice of default and election to sell may be recorded pursuant to subsection 2 of NRS 107.080 or a civil action for ~~the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~that is not barred by NRS 40.430~~ may be commenced, if the mortgage servicer has taken all the following actions:

(a) The mortgage servicer attempts to contact the borrower by mailing by first-class mail to the borrower a letter informing the borrower of his or her right to discuss foreclosure prevention alternatives and providing the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency approved by that Department.

(b) After mailing the letter required by paragraph (a), the mortgage servicer attempts to contact the borrower by telephone at least 3 times at different hours on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the mortgage servicer. A mortgage servicer may attempt to contact a borrower pursuant to this paragraph by using an automated system to dial borrowers if, when the telephone call is answered, the call is connected to a live representative of the mortgage servicer. A mortgage servicer satisfies the requirements of this paragraph if it determines, after attempting to contact a borrower pursuant to this paragraph, that the primary telephone number of the borrower which is on file with the mortgage servicer and any secondary telephone numbers on file with the mortgage servicer have been disconnected.

(c) If the borrower does not respond within ~~2 weeks~~ 14 calendar days after the mortgage servicer satisfies the requirements of paragraph (b), the mortgage servicer ~~may~~ sends, by certified mail, return receipt requested,

or any other mailing process that requires a signature upon delivery, a letter that includes the information required by paragraph (a).

(d) The mortgage servicer provides a means for the borrower to contact the mortgage servicer in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.

(e) The mortgage servicer posts on the homepage of its Internet website, if any, a prominent link to the following information:

(1) Options that may be available to borrowers who are unable to afford payments under a residential mortgage loan and who wish to avoid a foreclosure sale, and instructions to such borrowers advising them on steps to take to explore those options.

(2) A list of financial documents the borrower should collect and be prepared to present to the mortgage servicer when discussing options to avoid a foreclosure sale.

(3) A toll-free telephone number for borrowers who wish to discuss with the mortgage servicer options for avoiding a foreclosure sale.

(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.

6. If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or a complaint commencing a civil action for ~~the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~that is not barred by NRS 40.430,~~ must contain a declaration that the mortgage servicer has contacted the borrower as required by subsection 2, has attempted to contact the ~~grantor or the person who holds title of record~~ borrower as required by subsection 5 ~~of this act~~ or that no contact was required.

Sec. 12. 1. Not later than 5 business days after receiving an application for a foreclosure prevention alternative or any document in connection with such an application, a mortgage servicer, mortgagee or beneficiary of the deed of trust shall send to the borrower written acknowledgment of the receipt of the application or document.

2. The mortgage servicer, mortgagee or beneficiary of the deed of trust shall include in the initial acknowledgment of receipt of an application for a foreclosure prevention alternative:

(a) A description of the process for considering the application, including, without limitation, ~~an estimate of when a decision on the application will be made and the length of time the borrower will have to consider an offer for a foreclosure prevention alternative;~~ a statement that:

(1) The mortgage servicer, mortgagee or beneficiary must either deny the application for a foreclosure prevention alternative or submit a written offer for a foreclosure prevention alternative within 30 calendar days after

the borrower submits a complete application for a foreclosure prevention alternative; and

(2) If the mortgage servicer, mortgagee or beneficiary submits to the borrower a written offer for a foreclosure prevention alternative, the borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer, and the offer is deemed to be rejected if the borrower does not accept or reject the offer within 14 calendar days after the borrower receives the offer;

(b) A statement of any deadlines that affect the processing of an application for a foreclosure prevention alternative, including, without limitation, the deadline for submitting any missing documentation; and

(c) A statement of the expiration dates for any documents submitted by the borrower.

3. If a borrower submits an application for a foreclosure prevention alternative but does not initially submit all the documents or information required to complete the application, the mortgage servicer must:

(a) Include in the initial acknowledgment of receipt of the application required by subsection 2 a statement of any deficiencies in the borrower's application; and

(b) Allow the borrower not less than 30 calendar days to submit any documents or information required to complete the application.

Sec. 13. 1. If a borrower submits an application for a foreclosure prevention alternative offered by, or through, the borrower's mortgage servicer or mortgagee or the beneficiary of the deed of trust, then the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person may not commence a civil action for ~~the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan, that is not barred by NRS 40.430, record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until one of the following has occurred:

(a) The borrower fails to submit all the documents or information required to complete the application within 30 calendar days after the date of the initial acknowledgment of receipt of the application sent to the borrower pursuant to section 12 of this act.

(b) The mortgage servicer, mortgagee or beneficiary of the deed of trust makes a written determination that the borrower is not eligible for a foreclosure prevention alternative, and any appeal period pursuant to subsection ~~4~~ 5 has expired.

(c) The borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the date ~~on which~~ the offer is received by the borrower.

(d) The borrower accepts a written offer for a foreclosure prevention alternative, but defaults on, or otherwise breaches the borrower's obligations under, the foreclosure prevention alternative.

2. Not later than 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative, the mortgage servicer shall submit to the borrower a written offer for a foreclosure prevention alternative or the written statement of the denial of the application described in subsection 4. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

3. If a borrower accepts an offer for a foreclosure prevention alternative, the mortgage servicer must provide the borrower with a copy of the complete agreement evidencing the foreclosure prevention alternative, signed by the mortgagee or beneficiary of the deed of trust or an agent or authorized representative of the mortgagee or beneficiary.

~~3.~~ 4. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer must send to the borrower a written statement of:

- (a) The reason or reasons for the denial;
- (b) The amount of time the borrower has to request an appeal of the denial, which must be not less than 30 days; and
- (c) Instructions regarding how to appeal the denial, including, without limitation, how to provide evidence that the denial was in error.

~~4.~~ 5. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust, or an authorized agent of such a person may not commence a civil action for ~~the recovery of any debt, or for the enforcement of any right, under~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan, ~~that is not barred by NRS 40.430,~~ record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until the later of:

- (a) Thirty-one calendar days after the borrower is sent the written statement required by subsection ~~3.~~ 4; and
- (b) If the borrower appeals the denial, the later of:
 - (1) Fifteen calendar days after the denial of the appeal;
 - (2) If the appeal is successful, 14 calendar days after a first lien loan modification or another foreclosure prevention alternative offered after appeal is ~~declined~~ rejected by the borrower; and

(3) If the appeal is successful and a first lien loan modification or another foreclosure prevention alternative is offered and accepted, the date

on which the borrower fails to timely submit the first payment or otherwise breaches the terms of the offer.

~~5.7~~ 6. If the borrower appeals the denial of a complete application for a foreclosure prevention alternative, not later than 30 calendar days after the borrower requests the appeal, the mortgage servicer must submit to the borrower a written offer for a foreclosure prevention alternative or a written denial of the appeal. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the written offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

7. A mortgage servicer shall not charge or collect any:

(a) Application, processing or other fee for a foreclosure prevention alternative; or

(b) Late fees for periods during which:

(1) A foreclosure prevention alternative is under consideration or a denial is being appealed;

(2) The borrower is making timely payments under a foreclosure prevention alternative; or

(3) A foreclosure prevention alternative is being evaluated or exercised.

~~6.7~~ 8. A mortgage servicer is not required to evaluate an application from a borrower who has already been evaluated or afforded a fair opportunity to be evaluated for a foreclosure prevention alternative before October 1, 2013, or who has been evaluated or afforded a fair opportunity to be evaluated consistent with the requirements of this section, unless:

(a) There has been a material change in the borrower's financial circumstances since the date of the borrower's previous application; and

(b) That change is documented by the borrower and submitted to the mortgage servicer.

~~7.7~~ 9. For purposes of this section, an application is complete when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable timeframes specified by the mortgage servicer.

Sec. 14. 1. *If a borrower requests a foreclosure prevention alternative, the mortgage servicer must promptly establish a single point of contact and provide to the borrower one or more direct means of communication with the single point of contact.*

2. *A single point of contact is responsible for:*

(a) *Communicating the process by which a borrower may apply for an available foreclosure prevention alternative and the deadline for any required submissions to be considered for the foreclosure prevention alternatives.*

(b) *Coordinating receipt of all documents associated with the available foreclosure prevention alternatives and notifying the borrower of any*

missing documents necessary to complete an application for a foreclosure prevention alternative.

(c) Having access to current information and personnel sufficient to timely, accurately and adequately inform the borrower of the current status of the foreclosure prevention alternative.

(d) Ensuring that the borrower is considered for all foreclosure prevention alternatives offered by, or through, the mortgage servicer and for which the borrower is or may be eligible.

(e) Having access to a person or persons with the ability and authority to stop the foreclosure process when necessary.

3. A single point of contact must remain assigned to the borrower's account until the mortgage servicer determines that all foreclosure prevention alternatives offered by, or through, the mortgage servicer have been exhausted or the borrower's account becomes current.

4. The mortgage servicer shall ensure that a single point of contact refers and transfers a borrower to an appropriate supervisor upon request of the borrower, if the single point of contact has a supervisor.

5. If the responsibilities of a single point of contact are performed by a team of personnel, the mortgage servicer must ensure that each member of the team is knowledgeable about the borrower's situation and current status in the process of seeking a foreclosure prevention alternative.

6. As used in this section, "single point of contact" means a natural person or a team of personnel each of whom has the ability and authority to perform the responsibilities described in this section.

Sec. 15. 1. ~~The mortgage servicer, mortgagee or beneficiary of the deed of trust shall cause to~~ A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed ~~with~~ without prejudice, ~~a civil action commenced for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430, or cause to be withdrawn~~ any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 ~~it~~ must be rescinded, and ~~shall cancel~~ any pending foreclosure sale ~~it~~ must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the

bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;

(c) If mediation pursuant to section 18 of this act is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of section 13 of this act, and any appeal period pursuant to subsection 5 of section 13 of this act has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is ~~withdrawn,~~ rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 16. 1. If a trustee's deed upon sale has not been recorded, ~~pursuant to subsection 9 of NRS 107.080,~~ a borrower may bring an action for injunctive relief to enjoin a material violation of sections 2 to 16, inclusive, of this act. If a sheriff has not recorded the certificate of the sale of the property, ~~pursuant to subsection 5 of NRS 40.430,~~ a borrower may obtain an injunction to enjoin a material violation of sections 2 to 16, inclusive, of this act. An injunction issued pursuant to this subsection remains in place and any foreclosure sale must be enjoined until the court determines that the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person has corrected and remedied the violation giving rise to the action for injunctive relief. An enjoined ~~entity~~ person may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.

2. After a trustee's deed upon sale has been recorded ~~pursuant to subsection 9 of NRS 107.080,~~ or after a sheriff has recorded the certificate of the sale of the property, ~~pursuant to subsection 5 of NRS 40.430,~~ a borrower may bring a civil action in the district court in the county in which

the property is located to recover his or her actual economic damages resulting from a material violation of sections 2 to 16, inclusive, of this act by the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, if the material violation was not corrected and remedied before the recording of the trustee's deed upon sale ~~pursuant to subsection 9 of NRS 107.080~~ or the recording of the certificate of sale of the property pursuant to ~~subsection 5 of~~ NRS 40.430. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, the court may award the borrower the greater of treble actual damages or statutory damages of \$50,000.

3. A mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person is not liable for any violation of sections 2 to 16, inclusive, of this act that it has corrected and remedied, or that has been corrected and remedied on its behalf by a third party, before the recording of the trustee's deed upon sale ~~pursuant to subsection 9 of NRS 107.080~~ or the recording of the certificate of sale of the property pursuant to ~~subsection 5 of~~ NRS 40.430.

4. A violation of sections 2 to 16, inclusive, of this act does not affect the validity of a sale to a bona fide purchaser for value and any of its encumbrancers for value without notice.

5. A signatory to a consent judgment entered in the case entitled United States of America et al. v. Bank of America Corporation et al., filed in the United States District Court for the District of Columbia, case number 1:12-cv-00361 RMC, that is in compliance with the relevant terms of the Settlement Term Sheet of that consent judgment with respect to the borrower who brought an action pursuant to this section while the consent judgment is in effect is not liable for a violation of sections 2 to 16, inclusive, of this act. If the consent judgment is modified or amended on or after October 1, 2013, to permit compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, to supersede some or all of the relevant terms of the Settlement Term Sheet of the consent judgment, a signatory who is in compliance with the modified or amended Settlement Term Sheet of the consent judgment while the consent judgment is in effect is not liable for a violation of sections 2 to 16, inclusive, of this act.

6. A court may award a prevailing borrower costs and reasonable attorney's fees in an action brought pursuant to this section.

7. The rights, remedies and procedures provided by this section are in addition to and independent of any other rights, remedies or procedures provided by law.

Sec. 16.5. 1. No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.

2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.4634.

Sec. 17. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➡ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; ~~and~~

(b) *If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, contain the declaration required by subsection 6 of section 11 of this act; and*

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within ~~90~~ 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within ~~30~~ 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within ~~120~~ 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the

beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➡ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for

use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 18. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~If an a civil action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate that is not barred by NRS 40.430 a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing is commenced in a court of competent jurisdiction:~~

(a) ~~The copy of the complaint served on the defendant mortgagor must include a separate document containing:~~

(1) ~~Contact information which the defendant mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;~~

(2) ~~Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;~~

(3) A notice provided by the Mediation Administrator indicating that the ~~plaintiff~~ mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the ~~defendant~~ mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the ~~grantor or the person who holds the title of record~~ mortgagor may use to comply with the provisions of subsection 2; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

2. The ~~defendant~~ mortgagor shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 1 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the ~~plaintiff~~ mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the ~~defendant~~ mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the ~~defendant~~ mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

3. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8 of NRS 107.086. The plaintiff or a representative, and the ~~defendant~~ mortgagor or his or her representative, shall attend the mediation. ~~The plaintiff shall bring to the mediation the original or a certified copy of the mortgage or deed of trust, the mortgage note and each assignment of the mortgage or deed of trust or mortgage note.~~ If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

4. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith ~~for does not bring to the mediation each document required by subsection 3,~~ or does not have the authority or access to a person with the authority required by subsection 3, the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the ~~beneficiary of the deed of trust~~ plaintiff or the representative. The court may issue an order imposing such sanctions

against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

5. If the ~~defendant~~ mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the ~~plaintiff~~ mortgagor had not elected to enter into mediation.

6. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

7. The rules adopted by the Supreme Court pursuant to subsection 8 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

8. Except as otherwise provided in subsection 10, the provisions of this section do not apply if:

(a) The ~~defendant~~ mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

9. A noncommercial lender is not excluded from the application of this section.

10. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

11. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 19. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive ~~[-]~~, and section 18 of this act. In that

action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Which is exempted from the provisions of this section by specific statute.

(p) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 20. NRS 40.433 is hereby amended to read as follows:

40.433 As used in NRS 40.430 to 40.459, inclusive, *and section 18 of this act*, unless the context otherwise requires, a "mortgage or other lien" includes a deed of trust, but does not include a lien which arises pursuant to chapter 108 of NRS, pursuant to an assessment under chapter 116, 117, 119A or 278A of NRS or pursuant to a judgment or decree of any court of competent jurisdiction.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. 1. Sections 2 to 16, inclusive, of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013, and to a judicial foreclosure action commenced on or after October 1, 2013.

2. The amendatory provisions of section 17 of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013.

3. The amendatory provisions of section 18 of this act apply only to an action commenced on or after October 1, 2013.

Sec. 31. (Deleted by amendment.)

Amendment No. 822.

"SUMMARY—Enacts a "Homeowner's Bill of Rights." (BDR 9-748)

"AN ACT relating to real property; revising provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; providing civil remedies for failure to comply with certain provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; authorizing a mortgagor in a judicial foreclosure action to elect mediation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Existing law also provides for a judicial foreclosure action under certain circumstances for the recovery of any debt or for the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) Sections 2-16 of this bill establish additional requirements for the foreclosure of owner-occupied housing securing a residential mortgage loan. Under section 7.5 of this bill, these additional restrictions do not apply to a financial institution that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer owner-occupied homes located in this State. Under section 30 of this bill, these additional restrictions apply only to a notice of default and election to sell which is recorded on or after October 1, 2013.

Section 10 of this bill provides that at least 30 calendar days before recording a notice of default and election to sell or commencing a judicial foreclosure action and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust must provide to the borrower certain information concerning the borrower's account, the foreclosure prevention alternatives offered by the mortgage servicer, mortgagee or beneficiary and a statement of the facts supporting the right of the mortgagee or beneficiary to foreclose. Section 11 of this bill prohibits the recording of a notice of default and election to sell or the commencement of a judicial foreclosure action involving a failure to make payment until the mortgage servicer complies with certain requirements regarding contact with, or attempts to contact, the borrower. Section 13 of this bill prohibits the practice commonly known as "dual-tracking" by prohibiting a mortgage servicer, trustee, mortgagee or beneficiary of a deed of trust from continuing the foreclosure process while an application for a foreclosure prevention alternative is pending or while the borrower is current

on his or her obligation under a foreclosure prevention alternative. Section 14 of this bill requires a mortgage servicer to provide a single point of contact for a borrower who requests a foreclosure prevention alternative. Section 15 of this bill requires that under certain circumstances, a mortgage servicer, mortgagee or beneficiary of a deed of trust must dismiss a judicial foreclosure action or rescind a recorded notice of default and election or notice of sale. Section 16 of this bill provides for certain civil remedies for a material violation of the provisions of sections 2-16.

Section 16 also provides that a signatory to the consent judgment entered in the case entitled *United States of America et al. v. Bank of America Corporation et al.*, who complies with the Settlement Term Sheet under that judgment is deemed to be in compliance with sections 2-16 and is not liable for a violation of those provisions. Section 16 further provides that if the consent judgment is modified or amended to permit compliance with the Final Servicing Rules issued by the federal Consumer Financial Protection Bureau to supersede the terms of the Settlement Term Sheet under the consent judgment: (1) a signatory to the consent judgment who complies with the modified or amended Settlement Term Sheet while the consent judgment is in effect is deemed to be in compliance with sections 2-16 and is not liable for a violation of those provisions; and (2) any mortgage servicer, mortgagee or beneficiary of the deed of trust who complies with the Final Servicing Rules is deemed to be in compliance with sections 2-16 and is not liable for a violation of those provisions.

Section 18 of this bill provides that in a judicial foreclosure action concerning owner-occupied property, the mortgagor may elect to participate in the Foreclosure Mediation Program.

WHEREAS, The State of Nevada has been severely affected by the mortgage foreclosure crisis and consistently ranks as one of the top states for underwater home mortgage loans, mortgage defaults and foreclosures; and

WHEREAS, The dramatic increase in foreclosures during the mortgage foreclosure crisis has led to predatory and illegal practices by mortgage servicers and outside firms hired by mortgage servicers; and

WHEREAS, The Nevada Attorney General investigated and sued certain large financial institutions for engaging in illegal practices relating to the servicing of mortgage loans in default and entered into consent agreements and settlements requiring certain large financial institutions to adopt certain practices when servicing a mortgage loan in default; and

WHEREAS, The consent agreements and settlements only apply to the large financial institutions and are not permanent; and

WHEREAS, All homeowners in the State of Nevada deserve better consumer protections and fair and honest treatment in the servicing of mortgage loans in default; now therefore,

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Borrower" means a natural person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan. The term does not include a natural person who:*

1. Has surrendered the secured property as evidenced by a letter confirming the surrender or the delivery of the keys to the property to the mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person.

2. Has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the bankruptcy case, or granting relief from a stay of foreclosure or trustee's sale.

Sec. 4. *"Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage loan on the property or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale, as defined in NRS 40.4634.*

Sec. 5. *"Foreclosure sale" means the exercise of the trustee's power of sale pursuant to NRS 107.080 or a sale directed by a court pursuant to NRS 40.430.*

Sec. 6. *"Mortgage servicer" means a person who directly services a residential mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.*

Sec. 7. *"Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS 107.086.*

Sec. 7.5. *The provisions of sections 2 to 16, inclusive, of this act do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS 107.086.*

Sec. 7.7. *The provisions of sections 2 to 16, inclusive, of this act must not be construed to authorize a mortgage servicer, a mortgagee or a*

beneficiary of a deed of trust to restrict a borrower from pursuing concurrently more than one foreclosure prevention alternative.

Sec. 8. 1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of sections 2 to 16, inclusive, of this act.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of sections 2 to 16, inclusive, of this act.

Sec. 9. 1. Any duty of a mortgage servicer to maximize net present value under a pooling and servicing agreement is owed to all parties in a loan pool, or to all investors under a pooling and servicing agreement, not to any particular party in the loan pool or investor under a pooling and servicing agreement.

2. A mortgage servicer acts in the best interests of all parties to the loan pool or investors in the pooling and servicing agreement if the mortgage servicer agrees to or implements a foreclosure prevention alternative for which both of the following apply:

(a) The residential mortgage loan is in payment default or payment default is reasonably foreseeable.

(b) Anticipated recovery under the foreclosure prevention alternative exceeds the anticipated recovery through foreclosure on a net present value basis.

Sec. 10. 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 501 et seq., regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) *The amount of the principal obligation under the residential mortgage loan;*

(3) *The date through which the borrower's obligation under the residential mortgage loan is paid;*

(4) *The date of the last payment by the borrower;*

(5) *The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;*

(6) *The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;*

(7) *The amount of the prepayment fee charged under the residential mortgage loan, if any;*

(8) *A description of any late payment fee charged under the residential mortgage loan;*

(9) *A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and*

(10) *The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.*

(c) *A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.*

(d) *A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.*

(e) *A statement that the borrower may request:*

(1) *A copy of the borrower's promissory note or other evidence of indebtedness;*

(2) *A copy of the borrower's mortgage or deed of trust;*

(3) *A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and*

(4) *A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.*

2. *Unless a borrower has exhausted the process described in sections 12 and 13 of this act for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right,*

under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

Sec. 11. 1. *A mortgage servicer, mortgagee, trustee, beneficiary of a deed of trust or an authorized agent of such a person may not record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan until:*

(a) The mortgage servicer, mortgagee or beneficiary of the deed of trust has satisfied the requirements of subsection 1 of section 10 of this act;

(b) Thirty calendar days after initial contact is made with the borrower as required by subsection 2 or 30 calendar days after satisfying the requirements of subsection 5; and

(c) The mortgage servicer, mortgagee or beneficiary of the deed of trust complies with sections 12 and 13 of this act, if the borrower submits an application for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary.

2. *The mortgage servicer shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale. During the initial contact, the mortgage servicer shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the mortgage servicer must schedule the meeting to occur within 14 calendar days after the request. The assessment of the borrower's financial situation and discussion of the options to avoid a foreclosure sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the borrower must be provided the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department. Any meeting pursuant to this subsection may occur by telephone.*

3. *The loss mitigation personnel of a mortgage servicer may participate by telephone during any contact with a borrower required by this section.*

4. *A borrower may designate, with consent given in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other adviser to discuss with the mortgage servicer, on the borrower's behalf, the borrower's financial*

situation and options for the borrower to avoid a foreclosure sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A foreclosure prevention alternative offered during any contact with a person or agency designated by a borrower pursuant to this subsection is subject to the approval of the borrower.

5. If a mortgage servicer has not contacted a borrower as required by subsection 2, a notice of default and election to sell may be recorded pursuant to subsection 2 of NRS 107.080 or a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan may be commenced, if the mortgage servicer has taken all the following actions:

(a) The mortgage servicer attempts to contact the borrower by mailing by first-class mail to the borrower a letter informing the borrower of his or her right to discuss foreclosure prevention alternatives and providing the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency approved by that Department.

(b) After mailing the letter required by paragraph (a), the mortgage servicer attempts to contact the borrower by telephone at least 3 times at different hours on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the mortgage servicer. A mortgage servicer may attempt to contact a borrower pursuant to this paragraph by using an automated system to dial borrowers if, when the telephone call is answered, the call is connected to a live representative of the mortgage servicer. A mortgage servicer satisfies the requirements of this paragraph if it determines, after attempting to contact a borrower pursuant to this paragraph, that the primary telephone number of the borrower which is on file with the mortgage servicer and any secondary telephone numbers on file with the mortgage servicer have been disconnected.

(c) If the borrower does not respond within 14 calendar days after the mortgage servicer satisfies the requirements of paragraph (b), the mortgage servicer sends, by certified mail, return receipt requested, or any other mailing process that requires a signature upon delivery, a letter that includes the information required by paragraph (a).

(d) The mortgage servicer provides a means for the borrower to contact the mortgage servicer in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.

(e) The mortgage servicer posts on the homepage of its Internet website, if any, a prominent link to the following information:

(1) Options that may be available to borrowers who are unable to afford payments under a residential mortgage loan and who wish to avoid a

foreclosure sale, and instructions to such borrowers advising them on steps to take to explore those options.

(2) A list of financial documents the borrower should collect and be prepared to present to the mortgage servicer when discussing options to avoid a foreclosure sale.

(3) A toll-free telephone number for borrowers who wish to discuss with the mortgage servicer options for avoiding a foreclosure sale.

(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.

6. If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or a complaint commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must contain a declaration that the mortgage servicer has contacted the borrower as required by subsection 2, has attempted to contact the borrower as required by subsection 5 or that no contact was required.

Sec. 12. 1. Not later than 5 business days after receiving an application for a foreclosure prevention alternative or any document in connection with such an application, a mortgage servicer, mortgagee or beneficiary of the deed of trust shall send to the borrower written acknowledgment of the receipt of the application or document.

2. The mortgage servicer, mortgagee or beneficiary of the deed of trust shall include in the initial acknowledgment of receipt of an application for a foreclosure prevention alternative:

(a) A description of the process for considering the application, including, without limitation, a statement that:

(1) The mortgage servicer, mortgagee or beneficiary must either deny the application for a foreclosure prevention alternative or submit a written offer for a foreclosure prevention alternative within 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative; and

(2) If the mortgage servicer, mortgagee or beneficiary submits to the borrower a written offer for a foreclosure prevention alternative, the borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer, and the offer is deemed to be rejected if the borrower does not accept or reject the offer within 14 calendar days after the borrower receives the offer;

(b) A statement of any deadlines that affect the processing of an application for a foreclosure prevention alternative, including, without limitation, the deadline for submitting any missing documentation; and

(c) A statement of the expiration dates for any documents submitted by the borrower.

3. *If a borrower submits an application for a foreclosure prevention alternative but does not initially submit all the documents or information required to complete the application, the mortgage servicer must:*

(a) Include in the initial acknowledgment of receipt of the application required by subsection 2 a statement of any deficiencies in the borrower's application; and

(b) Allow the borrower not less than 30 calendar days to submit any documents or information required to complete the application.

Sec. 13. 1. *If a borrower submits an application for a foreclosure prevention alternative offered by, or through, the borrower's mortgage servicer or mortgagee or the beneficiary of the deed of trust, then the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person may not commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan, record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until one of the following has occurred:*

(a) The borrower fails to submit all the documents or information required to complete the application within 30 calendar days after the date of the initial acknowledgment of receipt of the application sent to the borrower pursuant to section 12 of this act.

(b) The mortgage servicer, mortgagee or beneficiary of the deed of trust makes a written determination that the borrower is not eligible for a foreclosure prevention alternative, and any appeal period pursuant to subsection 5 has expired.

(c) The borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the date on which the offer is received by the borrower.

(d) The borrower accepts a written offer for a foreclosure prevention alternative, but defaults on, or otherwise breaches the borrower's obligations under, the foreclosure prevention alternative.

2. *Not later than 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative, the mortgage servicer shall submit to the borrower a written offer for a foreclosure prevention alternative or the written statement of the denial of the application described in subsection 4. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the offer for the foreclosure prevention alternative, the offer is deemed to be rejected.*

3. *If a borrower accepts an offer for a foreclosure prevention alternative, the mortgage servicer must provide the borrower with a copy of the complete agreement evidencing the foreclosure prevention alternative, signed by the*

mortgagee or beneficiary of the deed of trust or an agent or authorized representative of the mortgagee or beneficiary.

4. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer must send to the borrower a written statement of:

- (a) The reason or reasons for the denial;*
- (b) The amount of time the borrower has to request an appeal of the denial, which must be not less than 30 days; and*
- (c) Instructions regarding how to appeal the denial, including, without limitation, how to provide evidence that the denial was in error.*

5. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust, or an authorized agent of such a person may not commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan, record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until the later of:

- (a) Thirty-one calendar days after the borrower is sent the written statement required by subsection 4; and*
- (b) If the borrower appeals the denial, the later of:*
 - (1) Fifteen calendar days after the denial of the appeal;*
 - (2) If the appeal is successful, 14 calendar days after a first lien loan modification or another foreclosure prevention alternative offered after appeal is rejected by the borrower; and*
 - (3) If the appeal is successful and a first lien loan modification or another foreclosure prevention alternative is offered and accepted, the date on which the borrower fails to timely submit the first payment or otherwise breaches the terms of the offer.*

6. If the borrower appeals the denial of a complete application for a foreclosure prevention alternative, not later than 30 calendar days after the borrower requests the appeal, the mortgage servicer must submit to the borrower a written offer for a foreclosure prevention alternative or a written denial of the appeal. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the written offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

7. A mortgage servicer shall not charge or collect any:

- (a) Application, processing or other fee for a foreclosure prevention alternative; or*
- (b) Late fees for periods during which:*
 - (1) A foreclosure prevention alternative is under consideration or a denial is being appealed;*

(2) *The borrower is making timely payments under a foreclosure prevention alternative; or*

(3) *A foreclosure prevention alternative is being evaluated or exercised.*

8. *A mortgage servicer is not required to evaluate an application from a borrower who has already been evaluated or afforded a fair opportunity to be evaluated for a foreclosure prevention alternative before October 1, 2013, or who has been evaluated or afforded a fair opportunity to be evaluated consistent with the requirements of this section, unless:*

(a) *There has been a material change in the borrower's financial circumstances since the date of the borrower's previous application; and*

(b) *That change is documented by the borrower and submitted to the mortgage servicer.*

9. *For purposes of this section, an application is complete when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable timeframes specified by the mortgage servicer.*

Sec. 14. 1. *If a borrower requests a foreclosure prevention alternative, the mortgage servicer must promptly establish a single point of contact and provide to the borrower one or more direct means of communication with the single point of contact.*

2. *A single point of contact is responsible for:*

(a) *Communicating the process by which a borrower may apply for an available foreclosure prevention alternative and the deadline for any required submissions to be considered for the foreclosure prevention alternatives.*

(b) *Coordinating receipt of all documents associated with the available foreclosure prevention alternatives and notifying the borrower of any missing documents necessary to complete an application for a foreclosure prevention alternative.*

(c) *Having access to current information and personnel sufficient to timely, accurately and adequately inform the borrower of the current status of the foreclosure prevention alternative.*

(d) *Ensuring that the borrower is considered for all foreclosure prevention alternatives offered by, or through, the mortgage servicer and for which the borrower is or may be eligible.*

(e) *Having access to a person or persons with the ability and authority to stop the foreclosure process when necessary.*

3. *A single point of contact must remain assigned to the borrower's account until the mortgage servicer determines that all foreclosure prevention alternatives offered by, or through, the mortgage servicer have been exhausted or the borrower's account becomes current.*

4. *The mortgage servicer shall ensure that a single point of contact refers and transfers a borrower to an appropriate supervisor upon request of the borrower, if the single point of contact has a supervisor.*

5. *If the responsibilities of a single point of contact are performed by a team of personnel, the mortgage servicer must ensure that each member of the team is knowledgeable about the borrower's situation and current status in the process of seeking a foreclosure prevention alternative.*

6. *As used in this section, "single point of contact" means a natural person or a team of personnel each of whom has the ability and authority to perform the responsibilities described in this section.*

Sec. 15. 1. *A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:*

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. *The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:*

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;

(c) If mediation pursuant to section 18 of this act is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of section 13 of this act, and any appeal period pursuant to subsection 5 of section 13 of this act has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. *If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080*

or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 16. 1. *If a trustee's deed upon sale has not been recorded, a borrower may bring an action for injunctive relief to enjoin a material violation of sections 2 to 16, inclusive, of this act. If a sheriff has not recorded the certificate of the sale of the property, a borrower may obtain an injunction to enjoin a material violation of sections 2 to 16, inclusive, of this act. An injunction issued pursuant to this subsection remains in place and any foreclosure sale must be enjoined until the court determines that the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person has corrected and remedied the violation giving rise to the action for injunctive relief. An enjoined person may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.*

2. *After a trustee's deed upon sale has been recorded or after a sheriff has recorded the certificate of the sale of the property, a borrower may bring a civil action in the district court in the county in which the property is located to recover his or her actual economic damages resulting from a material violation of sections 2 to 16, inclusive, of this act by the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, if the material violation was not corrected and remedied before the recording of the trustee's deed upon sale or the recording of the certificate of sale of the property pursuant to NRS 40.430. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, the court may award the borrower the greater of treble actual damages or statutory damages of \$50,000.*

3. *A mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person is not liable for any violation of sections 2 to 16, inclusive, of this act that it has corrected and remedied, or that has been corrected and remedied on its behalf by a third party, before the recording of the trustee's deed upon sale or the recording of the certificate of sale of the property pursuant to NRS 40.430.*

4. *A violation of sections 2 to 16, inclusive, of this act does not affect the validity of a sale to a bona fide purchaser for value and any of its encumbrancers for value without notice.*

5. *A signatory to a consent judgment entered in the case entitled United States of America et al. v. Bank of America Corporation et al., filed in the United States District Court for the District of Columbia, case number 1:12-cv-00361 RMC, that is in compliance with the relevant*

terms of the Settlement Term Sheet of that consent judgment with respect to the borrower ~~who brought an action pursuant to this section~~ while the consent judgment is in effect is deemed to be in compliance with sections 2 to 16, inclusive, of this act and is not liable for a violation of sections 2 to 16, inclusive, of this act. If, ~~on or after October 1, 2013,~~ the consent judgment is modified or amended ~~on or after October 1, 2013,~~ to permit compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, to supersede some or all of the relevant terms of the Settlement Term Sheet of the consent judgment ~~and~~ ;

(a) A signatory who is in compliance with the modified or amended Settlement Term Sheet of the consent judgment while the consent judgment is in effect is deemed to be in compliance with sections 2 to 16, inclusive, of this act and is not liable for a violation of sections 2 to 16, inclusive, of this act.

(b) Any mortgage servicer, mortgagee or beneficiary of the deed of trust or an authorized agent of such a person who complies with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, is deemed to be in compliance with sections 2 to 16, inclusive, of this act and is not liable for a violation of sections 2 to 16, inclusive, of this act.

6. A court may award a prevailing borrower costs and reasonable attorney's fees in an action brought pursuant to this section.

7. The rights, remedies and procedures provided by this section are in addition to and independent of any other rights, remedies or procedures provided by law.

Sec. 16.5. 1. No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.

2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.4634.

Sec. 17. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➡ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; ~~and~~

(b) *If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, contain the declaration required by subsection 6 of section 11 of this act; and*

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within ~~[90]~~ 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within ~~[30]~~ 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within ~~[120]~~ 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

↪ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the

State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 18. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a civil action for a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing is commenced in a court of competent jurisdiction:*

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the mortgagor may use to comply with the provisions of subsection 2; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

2. *The mortgagor shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 1 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor indicates on the form an election to enter into mediation, the*

plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

3. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

4. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 3, the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

5. If the mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had not elected to enter into mediation.

6. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

7. The rules adopted by the Supreme Court pursuant to subsection 8 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

8. Except as otherwise provided in subsection 10, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

9. *A noncommercial lender is not excluded from the application of this section.*

10. *The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.*

11. *As used in this section:*

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 19. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive ~~[-]~~, *and section 18 of this act.* In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the

property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Which is exempted from the provisions of this section by specific statute.

(p) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 20. NRS 40.433 is hereby amended to read as follows:

40.433 As used in NRS 40.430 to 40.459, inclusive, *and section 18 of this act*, unless the context otherwise requires, a "mortgage or other lien" includes a deed of trust, but does not include a lien which arises pursuant to chapter 108 of NRS, pursuant to an assessment under chapter 116, 117, 119A or 278A of NRS or pursuant to a judgment or decree of any court of competent jurisdiction.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. 1. Sections 2 to 16, inclusive, of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013, and to a judicial foreclosure action commenced on or after October 1, 2013.

2. The amendatory provisions of section 17 of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013.

3. The amendatory provisions of section 18 of this act apply only to an action commenced on or after October 1, 2013.

Sec. 31. (Deleted by amendment.)

Senator Segerblom moved that the Senate concur in the Assembly Amendments Nos. 684, 822, to Senate Bill No. 321.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 327.

The following Assembly Amendments were read:

Amendment No. 646.

"SUMMARY—Revises provisions relating to health care professions. (BDR 54-772)"

"AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; requiring certain persons to maintain electronic mail addresses with the Board of Medical Examiners; revising provisions governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board to adopt certain regulations regarding physician assistants; authorizing the Board to make service of process by electronic mail under certain circumstances; revising provisions governing

the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "practice of medicine" to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law requires a person who is licensed under chapter 630 of NRS to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) Section 2 of this bill requires a licensee who engages in the practice of medicine under certain circumstances to maintain an electronic mail address with the Board.

Existing law requires an inactive registrant to maintain a permanent mailing address with the Board. (NRS 630.255) Section 3 of this bill requires a licensee who has changed his or her practice of medicine from this State to another state or country, and any inactive registrant, to maintain an electronic mail address with the Board.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) Section 4 of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State. Section 4 further provides that such a physician must comply with all applicable requirements of Nevada statutes and regulations of the Board and is subject to the jurisdiction of the courts of this State to the extent that the exercise of jurisdiction is not inconsistent with constitutional limitations.

Section 5 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section 6 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law requires service of process under chapter 630 of NRS to be made on a licensee personally, or by registered or certified mail. (NRS 630.344) Section 7 of this bill authorizes service of process by electronic mail under certain circumstances.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) Sections 8 and 9 of this bill authorize an advanced practitioner of nursing to perform those acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section 10 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician. Section 10 also requires compliance with applicable provisions of Nevada statutes and regulations of

the State Board of Osteopathic Medicine and provides for the exercise of jurisdiction over such osteopathic physicians by the courts of this State.

Section 11 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section 12 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section 17 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections 13-16 and 18 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

~~[Section]~~ Sections 19, 19.3 and 19.7 of this bill ~~[revises]~~ revise provisions relating to the procedure for filling certain prescriptions.

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

Section 1. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ~~[]~~ *from within or outside this State or the United States.*

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 10 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 3. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed \$250.

3. In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country and any inactive registrant shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.

4. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the registrant during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

~~{4.}~~ 5. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 4. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to ~~perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using equipment that transfers information concerning the medical condition of a patient in this State~~ ~~across state lines~~ electronically, telephonically or by fiber optics ~~from within or outside this State or the United States~~. A physician who holds a special purpose license issued pursuant to this paragraph:

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 5. NRS 630.2645 is hereby amended to read as follows:

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license *to teach, research or practice medicine* to a person ~~who:~~

~~(a) Is~~ if:

(a) *The person:*

(1) *Submits to the Board:*

(I) *Proof that the person is a graduate of a foreign medical school* ~~;~~

~~(b) Teaches,~~ *as provided in NRS 630.195;*

(II) *Proof that the person teaches, researches or practices medicine outside the United States* ~~;~~

~~(c) Is a recognized medical expert; and~~

~~(d)~~ *; and*

(III) *Any other documentation or proof of qualifications required by the Board; and*

(2) *Intends to teach, research or practice* ~~clinical~~ *medicine at a medical facility, medical research facility or medical school in this State.*

(b) *Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.*

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine . ~~[, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.]~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~clinical~~ medicine in this State at the *medical facility*, medical research facility or medical school where the person is employed:

(a) The *medical facility*, medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. *A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

Sec. 6. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of licenses.
7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising physician ~~[-]~~, *including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.*

9. *A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 7. NRS 630.344 is hereby amended to read as follows:

630.344 1. ~~{Service}~~ *Except as otherwise provided in subsection 2, service of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.*

2. *In lieu of the methods of service of process set forth in subsection 1, service of process under this chapter may be made by electronic mail on a licensee who engages in the practice of medicine as described in subsection 3 of NRS 630.020.*

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

Sec. 8. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

- (a) Perform designated acts of medical diagnosis;
- (b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices, ➤ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices, ➤ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4.]~~ 5, submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices, ➤ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in

any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~{4-}~~ 5. The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 10. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~from within or outside this State or the United States~~ if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. *An osteopathic physician who engages in telemedicine:*

(a) *Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and*

(b) *To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.*

2. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

~~{2-}~~ 3. Except as otherwise provided in subsections ~~{3}~~ 4 and ~~{4-}~~ 5, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~{physical}~~ an examination or consultation which occurred in person *or through the use of telemedicine* and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed ~~{written}~~ consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall ~~{maintain}~~

document the consent ~~{form}~~ as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient : ~~{, both orally and in writing;}~~

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; *and*

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information . ~~{; and}~~

~~{5} That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.}~~

~~{3.}~~ 4. An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection ~~{2}~~ 3 if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

~~{4.}~~ 5. An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection ~~{2}~~ 3 in an emergency medical situation.

~~{5.}~~ 6. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

~~{6.}~~ 7. As used in this section, "telemedicine" means the practice of osteopathic medicine ~~{through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.}~~ *by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.*

Sec. 11. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license *to teach, research or practice osteopathic medicine* to a person ~~{who:~~

~~{a} Is} if:~~

(a) *The person:*

(1) *Submits to the Board:*

(I) *Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;*

~~[(b) Teaches,]~~

(II) *Proof that the person teaches, researches or practices osteopathic medicine outside the United States;*

~~[(c) Is a recognized expert in osteopathic medicine;]~~ and

~~[(d)]~~ (III) *Any other documentation or proof of qualifications required by the Board; and*

(2) *Intends to teach, research or practice ~~clinical~~ osteopathic medicine at a medical facility, medical research facility or school of osteopathic medicine in this State.*

(b) *Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.*

2. A person who applies for a special license *pursuant to this section* is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine. ~~[, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.]~~

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice ~~clinical~~ osteopathic medicine in this State at the *medical facility*, medical research facility or school of osteopathic medicine where the person is employed:

(a) The *medical facility*, medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

7. *A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

Sec. 12. NRS 633.469 is hereby amended to read as follows:

633.469 1. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his or her physician assistant in person ~~for by telecommunication,~~, *electronically, telephonically or by fiber optics*. When providing supervision ~~by telecommunication,~~ *electronically, telephonically or by fiber optics*, a supervising osteopathic physician may be at a different site than the physician assistant ~~[-]~~, *including a site located within or outside this State or the United States*.

3. A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. ~~After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician.~~ The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

- (a) The scope of practice of the physician assistant;
- (b) The access to the supervising osteopathic physician that the physician assistant will have; and
- (c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 13. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office ~~[-]~~

~~(a) Of a dispensing practitioner who is employed by a nonprofit entity that is designated as a federally qualified health center; and~~

~~(b) That is:~~

~~(1) Staffed~~ *staffed* by a dispensing technician ~~[-]~~ and

~~((2) Equipped)~~ *equipped* to facilitate communicative access to the dispensing practitioner,

~~via computer link, video link and audio link~~ *electronically, telephonically or by fiber optics* during regular business hours ~~[-]~~ *from within or outside this State or the United States*.

Sec. 14. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients ~~[via computer link, video link and audio link during regular business hours;]~~ ; or

2. At an office ~~[-~~

~~(a) Of] of a dispensing practitioner [who is employed by a nonprofit entity that is designated as a federally qualified health center; and~~

~~(b) Where] where the dispensing practitioner provides consultation to patients [via computer link, video link and audio link],~~

~~↪ electronically, telephonically or by fiber optics during regular business hours [-] from within or outside this State or the United States.~~

Sec. 15. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner , ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center;]~~

~~↪ that is accessible by a remote site or a satellite consultation site [via computer link, video link and audio link.] electronically, telephonically or by fiber optics from within or outside this State or the United States.~~

Sec. 16. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies; ~~[and]~~

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians ~~[-]~~ ;

3. *To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and*

4. *To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 17. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

5. *The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.*

Sec. 18. NRS 639.23277 is hereby amended to read as follows:

639.23277 1. In addition to the requirements set forth in this chapter and any other specific statute, a remote site or satellite consultation site must be located:

- (a) At least 50 miles or more from the nearest pharmacy; and
- (b) In a service area with a total population of less than 2,000.

2. A remote site or satellite consultation site may be operated by:

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site; or

(b) A dispensing technician without the physical presence of a dispensing practitioner, ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center,]~~ except that the dispensing practitioner of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

3. The Board shall adopt regulations for the purposes of this section, which establish the manner of determining a "service area." Such a "service area" must be a geographical area of between 5 and 10 miles in radius. In adopting the regulations, the Board may consider, without limitation, the ease or difficulty of access to the nearest pharmacy and the availability of roadways.

Sec. 19. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was ~~physically~~ examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was ~~physically~~ examined *in person, electronically, telephonically or by fiber optics within or outside this State or the United States* by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

Sec. 19.3. NRS 639.2392 is hereby amended to read as follows:

639.2392 1. A record of each refill of any prescription for a controlled substance or dangerous drug or any authorization to refill such a prescription must be kept:

(a) On the back of the original prescription; ~~or~~

(b) In a bound book or separate file ~~file~~; *or*

(c) In an electronic record that is readily retrievable.

2. The record must include:

(a) The date of each refill or authorization;

(b) The number of dosage units; and

(c) The signature or initials of the pharmacist who refilled the prescription or obtained the authorization to refill.

Sec. 19.7. NRS 639.2396 is hereby amended to read as follows:

639.2396 ~~[A]~~ 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. A pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 20. NRS 639.0072 is hereby repealed.

Sec. 21. 1. This section and sections 1 to 8, inclusive, and 10 to 20, inclusive, of this act become effective upon passage and approval.

2. Section 8 of this act expires by limitation on June 30, 2014.

3. Section 9 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 "Federally qualified health center" defined. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Amendment No. 873.

"SUMMARY—Revises provisions relating to health care professions (BDR 54-772)"

"AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; requiring certain persons to maintain electronic mail addresses with the Board of Medical Examiners; revising provisions

governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board to adopt certain regulations regarding physician assistants; authorizing the Board to make service of process by electronic mail under certain circumstances; revising provisions governing the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "practice of medicine" to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law requires a person who is licensed under chapter 630 of NRS to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) Section 2 of this bill requires a licensee who engages in the practice of medicine under certain circumstances to maintain an electronic mail address with the Board.

Existing law requires an inactive registrant to maintain a permanent mailing address with the Board. (NRS 630.255) Section 3 of this bill requires a licensee who has changed his or her practice of medicine from this State to another state or country, and any inactive registrant, to maintain an electronic mail address with the Board.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) Section 4 of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State. Section 4 further provides that such a physician must comply with all applicable requirements of Nevada statutes and regulations of the Board and is subject to the jurisdiction of the courts of this State to the extent that the exercise of jurisdiction is not inconsistent with constitutional limitations.

Section 5 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section 6 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law requires service of process under chapter 630 of NRS to be made on a licensee personally, or by registered or certified mail. (NRS 630.344) Section 7 of this bill authorizes service of process by electronic mail under certain circumstances.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) Sections 8 and 9 of this bill authorize an advanced practitioner of nursing to perform those

acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section 10 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician. Section 10 also requires compliance with applicable provisions of Nevada statutes and regulations of the State Board of Osteopathic Medicine and provides for the exercise of jurisdiction over such osteopathic physicians by the courts of this State.

Section 11 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section 12 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section 17 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections 13-16 and 18 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

Sections 19, 19.3 and 19.7 of this bill revise provisions relating to the procedure for filling certain prescriptions.

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

Section 1. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ~~from within or outside this State or the United States~~.

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 10 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. *In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.*

Sec. 3. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed \$250.

3. *In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country and any inactive registrant shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.*

4. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the registrant during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

~~{4-}~~ 5. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 4. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to ~~permit the use of~~ *perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using* equipment that transfers information concerning the medical condition of a patient in this State ~~across state lines~~ electronically, telephonically or by fiber optics ~~from within or outside this State or the United States. A physician who holds a special purpose license issued pursuant to this paragraph:~~

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 5. NRS 630.2645 is hereby amended to read as follows:

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license *to teach, research or practice medicine* to a person ~~who:~~

~~(a) Is~~ if:

(a) *The person:*

(I) *Submits to the Board:*

(I) *Proof that the person is a graduate of a foreign medical school* ~~;~~

~~(b) Teaches,~~ *, as provided in NRS 630.195;*

(II) *Proof that the person teaches, researches or practices medicine outside the United States* ~~;~~

~~(c) Is a recognized medical expert; and~~

~~(d)~~ *; and*

(III) *Any other documentation or proof of qualifications required by the Board; and*

(2) *Intends to teach, research or practice* ~~clinical~~ *medicine at a medical facility, medical research facility or medical school in this State.*

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine . ~~[, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.]~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~clinical~~ medicine in this State at the *medical facility*, medical research facility or medical school where the person is employed:

(a) The *medical facility*, medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. *A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

Sec. 6. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of licenses.
7. The grounds and procedures respecting disciplinary actions against physician assistants.
8. The supervision of medical services of a physician assistant by a supervising physician ~~[-]~~, *including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.*

9. *A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 7. NRS 630.344 is hereby amended to read as follows:

630.344 1. ~~{Service}~~ *Except as otherwise provided in subsection 2, service of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.*

2. *In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the licensee, service of process under this chapter may be made by electronic mail on a licensee who engages in the practice of medicine as described in subsection 3 of NRS 630.020.*

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

Sec. 8. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

- (a) Perform designated acts of medical diagnosis;
 - (b) Prescribe therapeutic or corrective measures; and
 - (c) Prescribe controlled substances, poisons, dangerous drugs and devices,
- ↪ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

- (a) Engage in selected medical diagnosis and treatment; and
 - (b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,
- ↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

- (a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.
- (b) Delineating the authorized scope of practice of an advanced practitioner of nursing.
- (c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

- (a) Has completed an educational program designed to prepare a registered nurse to:
 - (1) Perform designated acts of medical diagnosis;
 - (2) Prescribe therapeutic or corrective measures; and
 - (3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4.]~~ 5, submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor

organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~[4.]~~ 5. The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 10. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~in~~ *from within or outside this State or the United States* if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. *An osteopathic physician who engages in telemedicine:*

(a) *Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and*

(b) *To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.*

2. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

~~{2.}~~ 3. Except as otherwise provided in subsections ~~{3.}~~ 4 and ~~{4.}~~ 5, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~{physical}~~ *an examination or consultation which occurred in person or through the use of telemedicine* and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed ~~{written}~~ consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall ~~{maintain}~~ *document* the consent ~~{form}~~ as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient : ~~{both orally and in writing.}~~

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; *and*

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information . ~~{; and~~

~~{5.} That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.}~~

~~{3.}~~ 4. An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection ~~{2.}~~ 3 if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

~~{4.}~~ 5. An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection ~~{2.}~~ 3 in an emergency medical situation.

~~{5.}~~ 6. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

~~{6.}~~ 7. As used in this section, "telemedicine" means the practice of osteopathic medicine ~~{through the synchronous or asynchronous transfer of~~

~~medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.] by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.~~

Sec. 11. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license *to teach, research or practice osteopathic medicine* to a person ~~who:~~

~~(a) Is~~ if:

(a) *The person:*

(1) *Submits to the Board:*

(I) *Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;*

~~[(b) Teaches,]~~

(II) *Proof that the person teaches, researches or practices osteopathic medicine outside the United States;*

~~[(c) Is a recognized expert in osteopathic medicine;]~~ and

~~[(d)]~~ (III) *Any other documentation or proof of qualifications required by the Board; and*

(2) *Intends to teach, research or practice ~~clinical~~ osteopathic medicine at a medical facility, medical research facility or school of osteopathic medicine in this State.*

(b) *Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.*

2. A person who applies for a special license *pursuant to this section* is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine. ~~[, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.]~~

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice ~~clinical~~ osteopathic medicine in this State at the *medical facility*, medical research facility or school of osteopathic medicine where the person is employed:

(a) *The medical facility, medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and*

(b) *Upon receipt of such notification, the special license expires automatically.*

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

7. *A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

Sec. 12. NRS 633.469 is hereby amended to read as follows:

633.469 1. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his or her physician assistant in person ~~for by telecommunication,~~ *electronically, telephonically or by fiber optics*. When providing supervision ~~by telecommunication,~~ *electronically, telephonically or by fiber optics*, a supervising osteopathic physician may be at a different site than the physician assistant ~~[-]~~, *including a site located within or outside this State or the United States*.

3. A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. ~~[After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician.]~~ The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

- (a) The scope of practice of the physician assistant;
- (b) The access to the supervising osteopathic physician that the physician assistant will have; and
- (c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 13. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office ~~[-]~~

~~(a) Of a dispensing practitioner [who is employed by a nonprofit entity] that is [designated as a federally qualified health center; and~~

(b) ~~That is:~~

(1) ~~Staffed~~ *staffed* by a dispensing technician ~~{;}~~ and

~~{(2) Equipped}~~ *equipped* to facilitate communicative access to the dispensing practitioner,

↪ ~~{via computer link, video link and audio link}~~ *electronically, telephonically or by fiber optics* during regular business hours ~~{;}~~ *from within or outside this State or the United States.*

Sec. 14. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients ~~{via computer link, video link and audio link during regular business hours;}~~ ; or

2. At an office ~~{;~~

~~(a) Of~~ *of* a dispensing practitioner ~~{who is employed by a nonprofit entity that is designated as a federally qualified health center; and~~

~~(b) Where}~~ *where* the dispensing practitioner provides consultation to patients ~~{via computer link, video link and audio link}~~ ,

↪ *electronically, telephonically or by fiber optics* during regular business hours ~~{;}~~ *from within or outside this State or the United States.*

Sec. 15. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner , ~~{who is employed by a nonprofit entity that is designated as a federally qualified health center;}~~

↪ that is accessible by a remote site or a satellite consultation site ~~{via computer link, video link and audio link}~~ *electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 16. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies; ~~{and}~~

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians ~~{;}~~ ;

3. *To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and*

4. *To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 17. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

5. *The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.*

Sec. 18. NRS 639.23277 is hereby amended to read as follows:

639.23277 1. In addition to the requirements set forth in this chapter and any other specific statute, a remote site or satellite consultation site must be located:

(a) At least 50 miles or more from the nearest pharmacy; and

(b) In a service area with a total population of less than 2,000.

2. A remote site or satellite consultation site may be operated by:

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site; or

(b) A dispensing technician without the physical presence of a dispensing practitioner, ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center]~~ except that the dispensing practitioner of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

3. The Board shall adopt regulations for the purposes of this section, which establish the manner of determining a "service area." Such a "service area" must be a geographical area of between 5 and 10 miles in radius. In adopting the regulations, the Board may consider, without limitation, the ease or difficulty of access to the nearest pharmacy and the availability of roadways.

Sec. 19. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was ~~[physically]~~ examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was ~~[physically]~~ examined *in person, electronically, telephonically or by fiber optics within or outside this State or the United*

States by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

Sec. 19.3. NRS 639.2392 is hereby amended to read as follows:

639.2392 1. A record of each refill of any prescription for a controlled substance or dangerous drug or any authorization to refill such a prescription must be kept:

- (a) On the back of the original prescription; ~~for~~
- (b) In a bound book or separate file ~~for~~; or
- (c) *In an electronic record that is readily retrievable.*

2. The record must include:

- (a) The date of each refill or authorization;
- (b) The number of dosage units; and
- (c) The signature or initials of the pharmacist who refilled the prescription or obtained the authorization to refill.

Sec. 19.7. NRS 639.2396 is hereby amended to read as follows:

639.2396 ~~[A]~~ 1. *Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.*

2. *A pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:*

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. *Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.*

Sec. 20. NRS 639.0072 is hereby repealed.

Sec. 21. 1. This section and sections 1 to 8, inclusive, and 10 to 20, inclusive, of this act become effective upon passage and approval.

2. Section 8 of this act expires by limitation on June 30, 2014.

3. Section 9 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 "Federally qualified health center" defined. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Senator Atkinson moved that the Senate concur in the Assembly Amendments Nos. 646, 873, to Senate Bill No. 327.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 442.

The following Assembly Amendment was read:

Amendment No. 642.

"SUMMARY—Eliminates certain mandates relating to schools. (BDR 34-1078)"

"AN ACT relating to education; eliminating various mandates relating to schools; revising provisions relating to the reporting of incidences of bullying, cyber-bullying, harassment and intimidation occurring at public schools; revising provisions governing the examinations of the height and weight of pupils enrolled in public schools; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill deletes and repeals certain provisions relating to education and thereby eliminates: (1) a requirement that the Superintendent of Public Instruction prescribe a certain form of school register, prepare pamphlet copies of laws relating to schools for various school officials and provide a certain memorandum to the board of trustees of each school district and to the governing body of each charter school (NRS 385.210); (2) a description of the duties of the board of trustees of a school district and the governing body of a charter school in response to a memorandum transmitted to it pursuant to NRS 385.210 (NRS 386.360, 386.552); (3) ~~requirements relating to the duties of the board of trustees of a school district in response to the policies prescribed by the Department of Education for school districts and public schools regarding bullying, cyber-bullying, harassment and intimidation (NRS 388.134, 388.139); (4)~~ a requirement, effective on July 1, 2013, that the boards of trustees of certain school districts adopt a pilot program to provide a program of small learning communities for middle school and junior high school ~~students~~ pupils (NRS 388.171); ~~[(5)] (4)~~ a requirement that the board of trustees of each school district adopt a policy for each middle school and junior high school in the district to provide a program of peer mentoring (NRS 388.176); ~~[(6)] (5)~~ a requirement that the board of trustees of each school district adopt a policy for certain pupil-led conferences (NRS 388.181); ~~[(7)] (6)~~ requirements relating to small learning communities for ninth grade pupils in certain larger schools (NRS 388.215); ~~[(8)] (7)~~ certain requirements for a policy for peer mentoring in public high schools (NRS 388.221); ~~[(9)] (8)~~ a requirement that the board of trustees of

each school district and the governing body of each charter school submit the results of a certain examination of achievement and proficiency of pupils to certain persons and entities (NRS 389.560); ~~[(10) a requirement that school districts conduct examinations of the height and weight of a representative sample of certain pupils (Chapter 285, Statutes of Nevada 2009, p. 1203);~~ ~~[(11)]~~ (9) provisions relating to the establishment of school attendance councils (NRS 392.129); ~~[(12)]~~ (10) a reporting requirement relating to alternative schedules (Chapter 489, Statutes of Nevada 2003, p. 3219); and ~~[(13)]~~ (11) reporting requirements relating to the use of environmentally sensitive cleaning and maintenance products within school districts. (Chapter 244, Statutes of Nevada 2009, p. 985)

Under existing law, the board of trustees of each school district is required to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) Also under existing law, the Superintendent of Public Instruction is required to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 7 of this bill eliminates these reporting requirements, and sections 2.3 and 2.5 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)

Under existing law, the board of trustees of each school district is required to conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10. (NRS 392.420) This requirement is scheduled to expire on June 30, 2015. (Chapter 285, Statutes of Nevada 2009, p. 1204) Section 4.5 of this bill limits this requirement relating to the examinations of the height and weight of pupils to a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

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

Section 1. ~~NRS 388.1325 is hereby amended to read as follows:~~

~~388.1325 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.~~

~~2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:~~

~~(a) The establishment of programs to create a school environment that is free from bullying, cyber bullying, harassment and intimidation;~~

~~(b) The provision of training on the policies adopted by the school district pursuant to [NRS 388.134 and] the provisions of NRS 388.121 to 388.139, inclusive; or~~

~~(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to [NRS 388.134 and] the provisions of NRS 388.121 to 388.139, inclusive.] (Deleted by amendment.)~~

Sec. 2. NRS 388.139 is hereby amended to read as follows:

~~388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, [and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying, Cyber Bullying, Harassment and Intimidation Is Prohibited in Public Schools,"] within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.] (Deleted by amendment.)~~

Sec. 2.3. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and

389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(I) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of

days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and

percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of ~~incidents~~ reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school;

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.]; and~~

(3) Any actions taken to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2.5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➡ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other

than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school

sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for

each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school;

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.]; and~~

(3) Any actions taken to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is

excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➔ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school

attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in
20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 388.221 is hereby amended to read as follows:

388.221 1. The board of trustees of each school district may adopt a policy for the public high schools in the district to provide a program of teen mentoring, which may include a component of adult mentoring, designed to:

(a) Increase pupil participation in school activities, community activities and all levels of government; or

(b) Increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school,

↪ or both.

2. ~~Any such policy must include, without limitation:~~

~~(a) Guidelines for establishing:~~

~~(1) Eligibility requirements for pupils who participate in the program as mentors or mentees, including, without limitation, any minimum grade level for pupils who serve as mentors and any minimum grade point average that must be maintained by pupils who serve as mentors. The guidelines may not require a pupil who participates in the program to maintain a grade point average that is higher than the grade point average required for a pupil to participate in sports at the high school the pupil attends.~~

~~(2) Training requirements for pupils who serve as mentors.~~

~~(3) Incentives for pupils who serve as mentors.~~

~~(b) A requirement that each public high school which establishes a program for teen mentoring must also establish a committee to select each pupil mentor who participates in the program. The policy must provide that the committee may select a pupil who does not meet the general eligibility requirements for mentors if the members of the committee determine that the pupil is otherwise qualified to serve as a mentor.~~

~~(c) Any other provisions that the board of trustees deems appropriate.~~

3.] If the board of trustees of a school district has adopted a policy pursuant to subsection 1, the principal of each public high school in the district may:

(a) Carry out a program of teen mentoring in accordance with the policy prescribed by the board of trustees pursuant to subsection 1;

(b) Adopt other policies for the program of teen mentoring that are consistent with this section and the policy prescribed by the board of trustees pursuant to subsection 1; and

(c) On a date prescribed by the board of trustees, submit an annual report to the board of trustees and the Legislature that sets forth a summary of:

(1) The specific activities of the program of teen mentoring; and

(2) The effectiveness of the program in increasing pupil participation in school activities, community activities and all levels of government or in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school, as applicable to the type of program in effect at the school.

~~{4-}~~ 3. If the board of trustees of a school district has not adopted a policy pursuant to subsection 1, the principal of a public high school in the district may carry out a program of teen mentoring and take any action described in paragraph (b) or (c) of subsection ~~{3}~~ 2 if:

(a) The principal submits to the board of trustees for its approval a plan for such a program of teen mentoring that is consistent with the provisions of this section; and

(b) The board of trustees approves the plan.

~~{5-}~~ 4. A plan submitted to a board of trustees of a school district pursuant to subsection ~~{4}~~ 3 shall be deemed approved if the board of trustees does not act upon the plan within 60 days after the date on which the board of trustees receives the plan.

~~{6-}~~ 5. The board of trustees of each school district and each public high school may apply for and accept gifts, grants and donations from any source for the support of the board of trustees or a public high school in carrying out a program of teen mentoring pursuant to the provisions of this section. Any money received pursuant to this subsection may be used only for purposes of carrying out a program of teen mentoring pursuant to the provisions of this section.

~~{7-}~~ 6. This section does not preclude a board of trustees of a school district or a public high school from continuing any other similar program of teen mentoring that exists on May 22, 2009.

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~{-~~

~~1.—Each}~~ *each* advisory board to review school attendance created in its county pursuant to NRS 392.126.

~~{2.—If applicable, each school attendance council established pursuant to NRS 392.129.}~~

Sec. 4.5. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➔ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. In addition to the requirements of subsection 1, *the board of trustees of each school district in a county whose population is 100,000 or more* shall conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10 in the schools within the school district. In addition to those grade levels, *such* a school district may conduct examinations of the height and weight of a representative sample of pupils enrolled in other grade levels within the school district. The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with ~~the~~ *each school district in a county whose population is 100,000 or more* for purposes of this subsection.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

- (a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and
- (b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

9. Except as otherwise provided in this subsection, each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the State Health Officer in the format prescribed by the State Health Officer. If a school district in a county whose population is 100,000 or more conducts examinations of the height and weight of a representative sample of pupils enrolled in grade levels other than the grade levels required by subsection 2, the results of those examinations must not be included in the report submitted to the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 5. ~~[Section 5 of chapter 285, Statutes of Nevada 2009, at page 1204, is hereby amended to read as follows:~~

~~Sec. 5. 1. This act becomes effective on July 1, 2009.~~

~~2. Section 1 of this act expires by limitation on June 30, [2015.] 2013. (Deleted by amendment.)~~

Sec. 6. Section 38 of chapter 509, Statutes of Nevada 2011, at page 3504, is hereby amended to read as follows:

Sec. 38. 1. This section and section 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 21, inclusive, 21.5 to 36.5, inclusive, and 37 of this act become effective on July 1, 2011.

~~[3. Section 21.3 of this act becomes effective on July 1, 2011, for the purpose of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.]~~

Sec. 7. 1. NRS 385.210, 386.360, 386.552, ~~[388.134,]~~ 388.1353, 388.1355, 388.171, 388.176, 388.181, 388.215, 389.560 and 392.129 are hereby repealed.

2. Section 7 of chapter 489, Statutes of Nevada 2003, at page 3219 is hereby repealed.

3. Section 6 of chapter 244, Statutes of Nevada 2009, at page 985 is hereby repealed.

4. Section 21.3 of chapter 509, Statutes of Nevada 2011, at page 3499 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

385.210 Form of school register; dissemination of information regarding statutes and regulations relating to schools; memorandum to school districts and charter schools; preparation and publication of Department bulletin.

386.360 Preparation of plan for implementation of statutes; transmittal of information concerning statutes to parents and teachers; rules.

386.552 Preparation of plan for implementation of statutes; written notice to parents and teachers concerning statutes and plan for implementation.

~~388.134 Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to school personnel; posting of policies on Internet website; annual review and update of policies.~~

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General.

388.171 Pilot program for small learning communities required in certain schools.

388.176 Adoption of policy for peer mentoring.

388.181 Adoption of policy for pupil-led conferences.

388.215 Program of small learning communities required for ninth grade pupils enrolled in larger schools.

389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

392.129 Establishment of school attendance councils; membership; duties; annual report.

Section 7 of chapter 489, Statutes of Nevada 2003:

Sec. 7. 1. If the board of trustees of a school district provides a program of instruction based upon an alternative schedule pursuant to subsection 2 of section 2 of this act, the board of trustees shall, on or before December 31, 2004, submit a written report to the Superintendent of Public Instruction. The report must include:

(a) A description of the alternative schedule; and

(b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and community.

2. The Superintendent of Public Instruction shall:

(a) Compile the reports, if any, submitted pursuant to subsection 1; and

(b) On or before February 1, 2005, submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.

Section 6 of chapter 244, Statutes of Nevada 2009:

Sec. 6. 1. On or before January 1, 2011, the board of trustees of each school district shall prepare and submit to the Department of Education a written report regarding the implementation of the use of environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools within the school district. The report must include, without limitation:

(a) A description of the cleaning and maintenance products that were replaced, if any;

(b) A description of the environmentally sensitive cleaning and maintenance products that are used in the public schools within the school district;

(c) A description of any requests for a waiver that the school district submitted to the Department and the status of the request; and

(d) An evaluation of the effectiveness of the use of environmentally sensitive cleaning and maintenance products on the health and safety of the pupils and school personnel in the school district.

2. On or before February 1, 2011, the Department of Education shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature regarding the implementation of the use of environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school districts in this State. The report must include, without limitation:

(a) A compilation of the reports submitted by each school district pursuant to subsection 1; and

(b) A description of the requests for a waiver submitted by school districts to the Department pursuant to section 3 of this act, including, without limitation:

(1) The number of waivers that were granted by the Department and the justification for each waiver; and

(2) The number of waivers that were denied by the Department and the reasons for each denial.

Section 21.3 of chapter 509, Statutes of Nevada 2011:

Sec. 21.3. NRS 388.215 is hereby amended to read as follows:

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a ~~policy for each of those high schools~~ *pilot program* to provide a program of

small learning communities. The ~~[policy]~~ *pilot program must be implemented in at least 50 percent of the high schools in the school district with an enrollment of 1,200 pupils or more and must require:*

- (a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;
- (b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;
- (c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;
- (d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and
- (e) The assignment of:
 - (1) Guidance counselors;
 - (2) At least one licensed school administrator; and
 - (3) Appropriate adult mentors,

↪ specifically for the pupils enrolled in ninth grade.

2. The principal of ~~each~~ a high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, *and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1 shall:*

- (a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1.]~~ *pilot program;* and
- (b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 642 to Senate Bill No. 442.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 456.

The following Assembly Amendment was read:

Amendment No. 701.

"SUMMARY—Revises provisions relating to operators of tow cars. (BDR 58-1089)"

"AN ACT relating to tow cars; authorizing certain insurance companies to designate vehicle storage lots; requiring operators of tow cars to tow certain vehicles to designated vehicle storage lots under certain circumstances; revising certain provisions relating to operators of tow cars; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section ~~HH~~ 3 of this bill authorizes an insurance company to designate certain vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Section ~~HH~~ 3 requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort to communicate that information to the operator of the tow car before the vehicle is towed. Section ~~HH~~ 3 further provides that the amendatory provisions of this bill apply only to a county whose population is 700,000 or more (currently Clark County). Section 2 of this bill expresses the sense of the Legislature that the provisions of section 3 constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto ~~the~~ new section to read the provisions set forth as ~~follows:~~ sections 2 and 3 of this act.

Sec. 2. The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

- (a) Guarantee safe access to the vehicles by their owners; and*
- (b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.*

3. The provisions of section 3 of this act constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 3. 1. An insurance company may designate ~~for~~ one or more vehicle storage ~~lots~~ to which all vehicles that are ~~inoperable because~~ towed at the request of a law enforcement officer:

- (a) Following an accident; ~~or which have been recovered~~*
- (b) Following recovery after having been stolen.*

↪ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle ~~that is inoperable because of~~ following an accident or ~~which was recovered~~ following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of the vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. If the operator of the tow car:

(a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the owner of the vehicle; or

(b) Otherwise determines the identity of the insurance company that provides coverage for the owner of the vehicle,

↪ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless the owner of the vehicle or a representative of the insurance company has directed otherwise.

3. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:

(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

4. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

5. A vehicle storage lot must:

(a) ~~Except as otherwise provided in subsection 6, comply~~ Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

~~(b) Comply with all [applicable requirements imposed] standards a law enforcement agency may adopt pursuant to NRS 706.4485 for an operator of a tow car;~~

~~(b) to protect the health, safety and welfare of the public;~~

~~(c) Comply with all [applicable] local laws and ordinances [that are] applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and~~

~~(c) (d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.~~

6. ~~4. If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess [the] those rates and charges [that have been approved by the Authority] for the storage of a vehicle [that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:~~

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

7. Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection 4;

(b) Satisfied the requirements of subsection 5; and

(c) Otherwise satisfied the requirements of this section.

8. The provisions of this section apply only to a county whose population is 700,000 or more.

9. As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) *"Vehicle storage lot" means a business which, for a fee, stores vehicles that are ~~inoperable because of~~ towed at the request of a law enforcement officer following an accident ~~and which have been recovered~~ or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400 ~~+~~, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.*

~~[Sec. 2.]~~ Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ~~and ~~section 1~~~~ sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

~~[Sec. 3.]~~ Sec. 5. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ~~and ~~section 1~~~~ sections 2 and 3 of this act do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

~~[Sec. 4.]~~ Sec. 6. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~+~~, ~~and ~~section 1~~~~ sections 2 and 3 of this act.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

- (a) Providing training in safety;
- (b) Reviewing and observing the programs or inspections of the carrier relating to safety; and
- (c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

- (a) Fares of fully regulated carriers;
- (b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;
- (c) Classifications;
- (d) Divisions;
- (e) Allowances; and
- (f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➡ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

~~{Sec. 5.}~~ *Sec. 7.* NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, *and section ~~44~~ 3 of this act* have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

➡ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

~~[Sec. 6.]~~ Sec. 8. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, and section ~~HH~~ 3 of this act.

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, and section ~~HH~~ 3 of this act.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant

to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

~~[Sec. 7.]~~ Sec. 9. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~, and section ~~44~~ 3 of this act.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the Authority.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

~~[Sec. 8.]~~ *Sec. 10.* NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, *and section ~~11~~ 3 of this act*, but no such transfer is valid for any purpose until a joint application to make the transfer is made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The Authority shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, *and section ~~11~~ 3 of this act* and the regulations adopted by the Authority pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the Authority;

(c) Has provided evidence that the transferee has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the transferee has filed with the Authority schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The Authority may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The Authority shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the Authority of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

~~[Sec. 9.]~~ Sec. 11. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[]~~, and section ~~##~~ 3 of this act.

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

~~[Sec. 10.]~~ Sec. 12. NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless the operator:

(a) Holds a certificate of public convenience and necessity issued by the Authority.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484A to 484E, inclusive, of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) ~~[Assesses]~~ Except as otherwise provided in section ~~##~~ 3 of this act, assesses only rates and charges that have been approved by the Authority for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

2. The Authority shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by the Nevada Highway Patrol pursuant to this section, the Nevada Highway Patrol shall not remove the operator of the tow car from the list, or restrict the operator's use pursuant thereto, solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

~~[Sec. 11.]~~ *Sec. 13.* NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and section ~~11~~ 3 of this act*, for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and section ~~11~~ 3 of this act*, and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

~~[Sec. 12.]~~ *Sec. 14.* This act becomes effective upon passage and approval.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 701 to Senate Bill No. 456.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 508.

The following Assembly Amendment was read:

Amendment No. 697.

"SUMMARY—~~[Repeals]~~ Revises provisions relating to trains. (BDR 58-576)"

"AN ACT relating to trains; revising provisions relating to the California-Nevada Super Speed Ground Transportation System to provide for the Nevada High-Speed Rail System; repealing provisions relating to the employment of certain employees of railroad companies; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for a California-Nevada Super Speed Ground Transportation Commission, charged with pursuing the development of a Super Speed Ground Transportation System connecting southern California with southern Nevada. (NRS 705.4291, 705.4293) Sections ~~1-3,~~ 1-3.8, 5 and 6 of this bill ~~[eliminate obsolete provisions regarding the System by removing]~~ remove references to California's participation on the

Commission and ~~reorganizing~~ reorganize the System under the State of Nevada. Section 3 creates the Nevada High-Speed Rail Authority, and requires that the members of the Authority be appointed by the Governor, the Majority Leader of the Senate and the Speaker of the Assembly. Section 3.1 charges the Authority with pursuing the development of the Nevada High-Speed Rail System connecting southern California with southern Nevada. Section 3.2 gives the Authority the authority to perform various tasks related to the planning and development of the System. Section 3.3 allows the Authority to incorporate, and section 3.4 authorizes the Authority to issue bonds, notes, obligations or other evidences of borrowing to finance construction of the System. Section 3.5 requires the Governor to issue a proclamation declaring the completion of the System. Sections 3.6-3.8 and 6 provide that the provisions of law relating to the System and the Authority expire by limitation upon the proclamation of the Governor that the System has been completed. Section 5 provides staggered initial terms for the members of the Authority, and provides for the transfer to the Authority of any rights, obligations and property of the California-Nevada Super Speed Ground Transportation Commission.

Existing law requires the Legislative Counsel and the Research Director of the Legislative Counsel Bureau to work collaboratively to develop recommendations for the elimination of obsolete or antiquated provisions of the Nevada Revised Statutes. (NRS 220.085) Section 4 of this bill repeals certain obsolete provisions of existing law which prohibit the employment of certain engineers or engine drivers to run a locomotive or train and the discharging from employment of certain flaggers and trainmen. (NRS 705.240, 705.390, 705.420)

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

Section 1. NRS 705.4291 is hereby amended to read as follows:

705.4291 The Legislature finds and declares that:

1. Passage of NRS 705.4291 to 705.4296, inclusive, is a declaration of legislative intent that the ~~[States of California and Nevada jointly]~~ *State of Nevada* ~~[consider and, if justified, pursue the development]~~ *pursue the implementation* of a ~~[Super Speed Ground Transportation]~~ *High-Speed Rail* System connecting southern California with southern Nevada.

2. The System will:

(a) Provide economic benefits to both southern California and southern Nevada.

(b) Reduce reliance on gasoline- and diesel-fueled engines and encourage the use of alternative energy sources.

(c) Reduce congestion on Interstate Highway No. 15 between southern California and Las Vegas.

(d) Provide a working example for a transportation system that could play an essential role in the development of future commuter *and high-speed rail* service in the Los Angeles Basin and the Las Vegas Valley.

(e) Provide quick and convenient transportation service for residents and visitors in southern California and southern Nevada.

Sec. 2. NRS 705.4292 is hereby amended to read as follows:

705.4292 As used in NRS 705.4291 to 705.4296, inclusive, unless the context otherwise requires:

1. ~~["Commission" means the]~~ ~~[California Nevada]~~ ~~[Nevada Super Speed Ground Transportation Commission.]~~ "Authority" means the Nevada High-Speed Rail Authority created by NRS 705.4293.

2. "High-Speed Rail System" means a system that:

(a) Is capable of sustained speeds of at least 150 miles per hour, or the speed established by the United States Department of Transportation and the Federal Railroad Administration's plans and policies for high-speed rail express service;

(b) Carries primarily passengers;

(c) Operates on dedicated and exclusive standard gauge tracks for the purpose of high-speed rail service;

(d) Allows for interoperability with existing and planned rail systems; and

(e) Is certified by the Surface Transportation Board of the United States Department of Transportation as an interstate passenger railroad to construct and operate.

3. "Southern California" means the counties of Los Angeles, Orange, Riverside and San Bernardino.

~~[3. "Super Speed Ground Transportation System" means a system that:~~

~~(a) Is capable of sustained speeds of at least 240 miles per hour;~~

~~(b) Uses magnetic levitation technology;~~

~~(c) Carries primarily passengers; and~~

~~(d) Operates on a grade-separated, dedicated guideway.]~~

Sec. 3. NRS 705.4293 is hereby amended to read as follows:

705.4293 1. There is hereby created the ~~[California Nevada]~~ ~~[Nevada Super Speed Ground Transportation Commission]~~ Nevada High-Speed Rail Authority as a separate legal entity. The governing body of the ~~[Commission]~~ Authority consists of ~~[-~~

~~(a) The members from California appointed pursuant to the law of California and the bylaws of the Commission.~~

~~(b) The same number of members from Nevada as are from California,]~~ eight] five members appointed [by the Governor.] [of Nevada.] as follows:

(a) The Governor shall appoint one member;

(b) The Majority Leader of the Senate shall appoint two members; and

(c) The Speaker of the Assembly shall appoint two members.

↪ The members must be residents of the State of Nevada and must be appointed based upon their knowledge, expertise or experience in the areas of rail transportation and high-speed rail service.

2. ~~[The]~~ After their initial terms, the ~~members [from Nevada]~~ serve for terms of 4 years and may be reappointed, [at the pleasure of the Governor.]

3. The ~~[Commission]~~ Authority shall elect one of its members as Chair.

Sec. 3.1. NRS 705.42935 is hereby amended to read as follows:

705.42935 The ~~{Commission}~~ Authority is hereby designated as an agency of the State of Nevada for the purposes of carrying out the provisions of NRS 705.4291 to 705.4296, inclusive.

Sec. 3.2. NRS 705.4294 is hereby amended to read as follows:

705.4294 ~~{1. The Commission may:~~

~~(a) Subject to the provisions of subsection 2, secure}~~ The Authority may:

1. Secure a right-of-way and award a franchise for the construction and operation of a ~~{Super Speed Ground Transportation}~~ High-Speed Rail System principally following the route of Interstate Highway No. 15 between Las Vegas, Nevada, and a point in southern California.

~~{(b)}~~ 2. Acquire or gain control or use of land for rights-of-way, stations and ancillary uses through purchase, gift, lease, use permit or easement.

~~{(c)}~~ 3. Conduct engineering and other studies related to the selection and acquisition of rights-of-way and the selection of a franchisee, including, but not limited to, environmental impact studies, socioeconomic impact studies and financial feasibility studies. All local, state and federal environmental requirements must be met by the ~~{Commission}~~.

~~(d) Evaluate alternative technologies, systems and operators for a Super Speed Ground Transportation System, and select}~~ Authority.

4. Select a franchisee to construct and operate the ~~{Super Speed Ground Transportation}~~ High-Speed Rail System between southern California and Las Vegas.

~~{(e)}~~ 5. Establish criteria for the award of the franchise.

~~{(f)}~~ , which must include, without limitation:

(a) The extent to which environmental studies have been completed;

(b) The level of private investment that has been made or committed;

(c) Construction readiness; and

(d) Pending or completed permit applications to implement a High-Speed Rail System.

6. Accept grants, gifts, fees and allocations from Nevada or its political subdivisions, the Federal Government, foreign governments and any private source.

~~{(g)}~~ 7. Issue debt, but this debt does not constitute an obligation of the ~~{State of California or the}~~ State of Nevada, or any of ~~{their}~~ its political subdivisions.

~~{(h)}~~ 8. Hire an Executive Officer, other staff and any consultants deemed appropriate.

~~{(i) Select the exact route and terminal sites.~~

~~{(j)}~~ 9. Obtain, or assist the selected franchisee in obtaining, all necessary permits and certificates from governmental entities in California and Nevada

10.

~~2. Before the:~~

~~(a) Commission or a franchisee begins construction in Nevada; and~~

~~(b) Receipt of any final certificates and permits necessary for the construction or use of a public right of way;~~

~~the route and terminals selected by the Commission must be approved by the appropriate local, regional and state governmental entities in Nevada which have jurisdiction over the route and terminals located in this state. As a condition of awarding a franchise, the Commission shall require the franchisee to comply with this subsection.~~

~~3. Before the:~~

~~(a) Commission or a franchisee begins construction in California; and~~

~~(b) Receipt of any final certificates and permits necessary for the construction or use of a public right of way;~~

~~the route and terminals selected by the Commission must be approved by the appropriate local, regional and state governmental entities in California which have jurisdiction over the route and terminals located in that state. As a condition of awarding a franchise, the Commission shall require the franchisee to comply with this subsection.] , recognizing the preemptive federal authority of the Surface Transportation Board of the United States Department of Transportation over interstate passenger railroads.~~

10. Negotiate, enter into and execute all necessary local, regional and state governmental agreements to allow for the construction and implementation of the High-Speed Rail System.

Sec. 3.3. NRS 705.4295 is hereby amended to read as follows:

705.4295 1. The ~~[Commission]~~ Authority may incorporate under the general incorporation laws of either this state or the State of California, whichever the ~~[Commission]~~ Authority determines to be in its best interests. Copies of its proceedings, records and acts, when authenticated, are admissible in evidence in all courts of either State and are prima facie evidence of the truth of all statements therein.

2. The members of the ~~[Commission]~~ Authority and its agents and employees are not liable for any damages that result from any act or omission in the performance of their duties or the exercise of their powers pursuant to NRS 705.4291 to 705.4296, inclusive.

Sec. 3.4. NRS 705.42955 is hereby amended to read as follows:

705.42955 1. The ~~[Commission]~~ Authority, or a corporation formed by the ~~[Commission]~~ Authority pursuant to the laws of this state or the State of California, as the ~~[Commission]~~ Authority deems appropriate, may issue bonds, notes, obligations or other evidences of borrowing to finance all or a part of the construction of all or a part of the ~~[Super Speed Ground Transportation]~~ High-Speed Rail System. For purposes of issuing bonds, notes, obligations or other evidences of borrowing pursuant to this section, the ~~[Commission]~~ Authority and any corporation formed by the ~~[Commission]~~ Authority are constituted authorities for the purposes of regulations enacted by the Internal Revenue Service pursuant to 26 U.S.C. §§ 103 and 141 to 150, inclusive.

2. Bonds, notes, obligations or other evidences of borrowing issued by the ~~{Commission}~~ Authority or any corporation formed by the ~~{Commission}~~ Authority which are issued to finance all or any part of the construction of all or a part of the ~~{Super Speed Ground Transportation}~~ High-Speed Rail System may be payable from and secured by:

(a) A pledge of property of the ~~{Commission}~~ Authority or a corporation formed by the ~~{Commission}~~ Authority pursuant to this section;

(b) A pledge of any revenue of the ~~{Super Speed Ground Transportation}~~ High-Speed Rail System, including revenue from fares, revenue from advertising and all other revenue of the System; and

(c) A pledge of any other money made available to the ~~{Commission}~~ Authority or a corporation formed by the ~~{Commission}~~ Authority pursuant to this section by:

(1) Grants from the Federal Government or any other federal funds as may be available to pay costs of the ~~{Super Speed Ground Transportation}~~ High-Speed Rail System or debt service on any borrowing;

(2) Any company, public or private; or

(3) Any local government or governmental entity in this state or in the State of California pursuant to an intergovernmental agreement or otherwise.

3. The ~~{Commission}~~ Authority may enter into agreements with any person, local government or governmental entity for the provision of resources or assistance to the ~~{Commission}~~ Authority or a corporation formed by the ~~{Commission}~~ Authority concerning the financing of the ~~{Super Speed Ground Transportation}~~ High-Speed Rail System.

4. The ~~{Commission}~~ Authority or any corporation formed by the ~~{Commission}~~ Authority pursuant to this section may issue obligations to refund any obligations issued pursuant to the provisions of this section and NRS 705.4291 to 705.4296, inclusive, for any purpose the ~~{Commission}~~ Authority determines to be sufficient.

5. Nothing in this section authorizes the ~~{Commission}~~ Authority or any corporation formed by the ~~{Commission}~~ Authority to obligate this state or the State of California or any political subdivision thereof unless such State or political subdivision has obligated itself to the ~~{Commission}~~ Authority or a corporation created by the ~~{Commission}~~ Authority through an intergovernmental agreement.

6. ~~{Unless a specific statute of this state or the State of California requires otherwise, upon dissolution of the Commission, all property of the Commission must be distributed between this state and the State of California in an equitable manner as agreed upon by the States.}~~

7. The creation, perfection, priority and enforcement of any lien on pledged revenue or other money established to secure any bond, note, obligation or other evidence of borrowing issued pursuant to this section, must be as specified in this section and in the instruments approved by the ~~{Commission}~~ Authority pertaining to that bond, note, obligation or other evidence of borrowing. It is the purpose of this section to provide expressly

for the creation, perfection, priority and enforcement of a security interest created by the ~~{Commission}~~ Authority in pledged revenues or other money in connection with bonds, notes, obligations or other evidences of borrowing issued pursuant to this section, as provided for in paragraph (n) of subsection 4 of NRS 104.9109. Any lien on pledged revenue or other money created to secure any bond, note, obligation or other evidence of borrowing issued pursuant to this section has priority over any lien thereon created pursuant to the provisions of chapter 104 of NRS unless otherwise provided in the instrument creating the lien to secure such bond, note, obligation or other evidence of borrowing issued pursuant to the provisions of this section.

Sec. 3.5. NRS 705.4296 is hereby amended to read as follows:

705.4296 The Governor shall declare, by public proclamation on the date of completion of the ~~{Super-Speed Ground Transportation}~~ High-Speed Rail System connecting southern California with Southern Nevada, that the System has been completed.

Sec. 3.53. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

↪ The term does not include a ~~[super speed ground transportation system]~~ High-Speed Rail System as defined in NRS 705.4292.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 3.57. NRS 709.290 is hereby amended to read as follows:

709.290 1. The county commissioners, town trustees, supervisors or other governing body directly entrusted with the management of affairs of any town or city in this State are authorized to sell to the highest responsible bidder any franchise for a street railway through and over any street or streets of such town, according to the provisions of NRS 709.310.

2. As used in NRS 709.290 to 709.360, inclusive, "street railway" means:

(a) A system of public transportation operating over fixed rails on the surface of the ground; or

(b) An overhead or underground system, other than a monorail, used for public transportation.

↪ The term does not include a ~~[Super Speed Ground Transportation]~~ High-Speed Rail System as defined in NRS 705.4292.

3. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 3.6. Section 3.5 of chapter 88, Statutes of Nevada 2001, as added by section 7 of chapter 2, Statutes of Nevada 2003, at page 6, is hereby amended to read as follows:

Sec. 3.5. NRS 705.4291, 705.4292, 705.4293, 705.4294, 705.4295 and 705.4296 expire by limitation:

1. One year after the date on which the governor declares by public proclamation that the ~~[super speed ground transportation system]~~ High-Speed Rail System connecting southern California with southern Nevada has been completed; or

2. On the date all borrowing made pursuant to section 1 of this act is retired,
whichever is later.

Sec. 3.7. Section 4 of chapter 88, Statutes of Nevada 2001, at page 560, is hereby amended to read as follows:

Sec. 4. 1. This act becomes effective on July 1, 2001.

2. Sections 1 and 2 of this act expire by limitation:

(a) One year after the date on which the governor declares by public proclamation that the ~~[super speed ground transportation system]~~ High-Speed Rail System connecting southern California with southern Nevada has been completed; or

(b) On the date all borrowing made pursuant to section 1 of this act is retired,
whichever is later.

Sec. 3.8. Section 5 of chapter 209, Statutes of Nevada 2003, at page 1173, is hereby amended to read as follows:

Sec. 5. 1. This act becomes effective on July 1, 2003.

2. Sections 1 to 4, inclusive, of this act expire by limitation:

(a) One year after the date on which the Governor declares by public proclamation that the ~~[Super Speed Ground Transportation]~~ High-Speed Rail System connecting southern California with southern Nevada has been completed; or

(b) On the date all borrowing made pursuant to NRS 705.42955 is retired,

whichever is later.

Sec. 4. NRS 705.240, 705.390 and 705.420 are hereby repealed.

Sec. 5. On the effective date of this act:

1. The rights, obligations and property of the State of Nevada in the California-Nevada Super Speed Ground Transportation Commission, if any, become the rights, obligations and property of the Nevada ~~[Super Speed Ground Transportation Commission]~~ High-Speed Rail Authority.

2. The terms of the Nevada members of the California-Nevada Super Speed Ground Transportation Commission ~~[become the members of the Nevada Super Speed Ground Transportation Commission and shall be deemed to have been appointed to the Nevada Super Speed Ground Transportation Commission on the dates that they were appointed to the California Nevada Super Speed Ground Transportation Commission]~~ expire. The initial appointments to the Nevada High-Speed Rail Authority must be made as follows:

(a) The Governor shall appoint one member to a term beginning on October 1, 2013, and ending on September 30, 2015; and

(b) The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint:

(1) One member to a term beginning on October 1, 2013, and ending on September 30, 2016; and

(2) One member to a term beginning on October 1, 2013, and ending on September 30, 2017.

3. Any agreements entered into by the California-Nevada Super Speed Ground Transportation Commission terminate.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. Sections 1 ~~[, 2 and 3]~~ to 3.5, inclusive, of this act expire by limitation:

(a) One year after the date on which the Governor declares by public proclamation that the ~~[Super Speed Ground Transportation]~~ High-Speed Rail System connecting southern California with southern Nevada has been completed; or

(b) On the date all borrowing made pursuant to NRS 705.42955 is retired,
 ➔ whichever is later.

TEXT OF REPEALED SECTIONS

705.240 Engineer required to be able to read timetables and ordinary handwriting; penalty.

1. It shall be unlawful for any person, as an officer of a corporation or otherwise, knowingly to employ an engineer or engine driver to run a locomotive or train on any railway if such engineer or engine driver cannot read timetables and ordinary handwriting.

2. It shall be unlawful for any person who cannot read timetables and ordinary handwriting to act as an engineer or run a locomotive or train on any railway.

3. Any person who violates any provision of this section shall be guilty of a gross misdemeanor.

705.390 Protection of flagger and trainman employed on certain dates from discharge or loss of employment. No person employed as a flagger on any railroad in this State on April 1, 1963, may be discharged or lose such employment by reason of the provisions of chapter 176, Statutes of Nevada 1963. No person holding seniority as a trainman on any railroad in this State on July 1, 1985, may be discharged or lose such employment by reason of the provisions of chapter 358, Statutes of Nevada 1985. But if a flagger or a trainman retires, terminates or voluntarily leaves such employment, the railroad company need not replace the position so vacated.

705.420 Penalty. Any railroad company or receiver of any railroad company, and any person engaged in the business of common carrier doing business in the State of Nevada, which violates any of the provisions of NRS 705.390 is liable to the Public Utilities Commission of Nevada for a penalty of \$500 for each violation.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 697 to Senate Bill No. 508.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Denis moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:04 p.m.

SENATE IN SESSION

At 4:59 p.m.

President pro Tempore Parks presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Education, to which was referred Assembly Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 1, 80, 344, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JUSTIN C. JONES, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 7, 311, 370, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 9—Designating certain members of the Senate as regular and alternate members of the Legislative Commission for the 2013-2015 biennium.

Senator Spearman moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 7.

Bill read second time and ordered to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 912.

"SUMMARY—Revises provisions relating to crimes. (BDR 3-403)"

"AN ACT relating to crimes; authorizing ~~for a victim of sex~~ victims of human trafficking ~~for involuntary servitude or trafficking in persons~~ to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; amending various provisions concerning the crimes of pandering, sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for pandering, sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340) Existing law also creates the crimes of involuntary servitude and trafficking in persons. (NRS 200.463-200.468)

Sections 1, 30-33, 40.7-44, 46-48 and 55 of this bill amend various provisions relating to the crimes of pandering, involuntary servitude and trafficking in persons. Section 30 increases the penalty for conspiracy to commit sex trafficking, involuntary servitude or trafficking in persons, and section 46 adds involuntary servitude and trafficking in persons to the list of crimes constituting racketeering activity. Sections 41-44 create the crime of sex trafficking, set forth the actions constituting the crimes of pandering and sex trafficking, and provide the terms of imprisonment and fines that must be imposed against a person convicted of pandering or sex trafficking. Section 42 further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking and that certain defenses are not available in a prosecution for pandering or sex trafficking. Sections 32, 33 and 40 require a court to order a person convicted of sex trafficking, involuntary servitude or trafficking in persons to pay restitution to the victim of the crime. Section 47 authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime. Section 48 prohibits the consideration of certain contributory conduct of a victim when considering compensation for a victim of sex trafficking. Finally, section 1 authorizes a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action against any person who caused, was responsible for or profited from the sex trafficking, involuntary servitude or trafficking in persons.

Sections 4-6, 25, 34-39 and 49-51 of this bill revise provisions governing the investigation and prosecution of sex trafficking. Section 25 authorizes law enforcement agencies to intercept wire and oral communications during an investigation of sex trafficking, involuntary servitude and trafficking in persons upon compliance with existing law governing the interception of wire and oral communications by law enforcement agencies. Sections 4-6 provide that the provisions governing the statute of limitations for sex trafficking are the same as the provisions governing the statute of limitations for sexual assault. Finally, sections 34-39 and 49-51 provide that certain information relating to a victim of sex trafficking must be kept confidential.

Existing law provides for the taking and the use at trial of videotaped depositions of certain victims in certain circumstances. (NRS 174.227, 174.228) Sections 10.3 and 10.7 of this bill authorize the taking and use at trial of videotaped depositions of victims of sex trafficking in certain circumstances.

Existing law provides that a person convicted of pandering a child is required to register as an offender convicted of a crime against a child and is a Tier II offender for the purposes of offender registration and community

notification. (NRS 179D.0357, 179D.115) Section 27 of this bill provides that a person convicted of sex trafficking an adult is required to register as a sex offender and is a Tier I offender for the purposes of sex offender registration and community notification.

Section 40.3 of this bill gives the Attorney General and the district attorneys of the counties in this State concurrent jurisdiction to prosecute crimes involving pandering, sex trafficking and living from the earnings of a prostitute.

Existing law creates the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and establishes the powers and duties of the Children's Advocate. (NRS 432.157) Section 53 of this bill authorizes the Children's Advocate to investigate and prosecute certain crimes. Section 53 also creates the Special Account for the Support of the Office of Advocate for Missing or Exploited Children and authorizes the Children's Advocate to apply for and accept gifts, grants and donations to assist the Children's Advocate in carrying out his or her duties.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.*

2. *A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.*

3. *In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.*

4. *A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.*

5. *The statute of limitations for an action brought under this section does not commence until:*

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,

➡ whichever is later.

6. *The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.*

7. *A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.*

8. *In the discretion of the court in an action brought under this section:*

(a) *Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.*

(b) *Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.*

9. *The consent of a victim is not a defense to a cause of action brought under this section.*

10. *For the purposes of this section:*

(a) *A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.*

(b) *It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault , ~~or~~ a person authorized to act on behalf of a victim of a sexual assault , *or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking*, files with a law enforcement officer a written report concerning the sexual assault ~~or~~ *sex trafficking*, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault *or sex trafficking* must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault *or sex trafficking* is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault *or sex trafficking* is not otherwise filed pursuant to subsection 1, the period during which the

victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault *or sex trafficking* is under a disability if the victim is insane, ~~mentally retarded,~~ *intellectually disabled*, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

- (a) A prosecuting attorney;
- (b) A sheriff of a county or the sheriff's deputy;
- (c) An officer of a metropolitan police department or a police department of an incorporated city; or
- (d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 5. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, *sex trafficking*, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than the felonies listed in subsection 1 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 6. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child ~~as defined in NRS 432B.100~~ *or sex trafficking of a child as defined in NRS 201.300*, before the victim ~~of the sexual abuse~~ is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse *or sex trafficking* by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse *or sex trafficking* by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the

commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. NRS 174.227 is hereby amended to read as follows:

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

(a) A victim of sexual abuse as that term is defined in NRS 432B.100; ~~for~~

(b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age ~~+~~; or

(c) *A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.*

➡ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

(a) For good cause shown may release the address of the person to be examined; and

(b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 10.7. NRS 174.228 is hereby amended to read as follows:

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. *In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300:*

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~to 201.340, inclusive,~~ , 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 25. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, *sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468* or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262;
- (d) Sexual assault pursuant to NRS 200.366;
- (e) Statutory sexual seduction pursuant to NRS 200.368;
- (f) Open or gross lewdness pursuant to NRS 201.210; or
- (g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 26. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~[pandering]~~ *sex trafficking pursuant to subsection 2 of NRS 201.300* or prostitution pursuant to NRS ~~[201.300 to 201.340, inclusive.]~~ *201.320.*

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

- (a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 27. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(p) *Sex trafficking pursuant to NRS 201.300.*

(q) ~~Any violation of NRS 201.320.~~

~~(r)~~ Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ ~~[(s)]~~ (r) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p)]~~ ~~[(q)]~~ inclusive.

~~[(r)]~~ ~~[(s)]~~ (s) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ ~~[(t)]~~ (t) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

- (1) A tribal court.
- (2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ ~~[(u)]~~ (u) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

- (1) A tribal court.
- (2) A court of the United States or the Armed Forces of the United States.
- (3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

- (a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or
- (b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 28. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:
 - (a) Luring a child pursuant to NRS 201.560, if punishable as a felony;
 - (b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;
 - (c) An offense involving ~~[pandering]~~ *sex trafficking pursuant to NRS 201.300* or prostitution pursuant to NRS ~~[201.300 to 201.340, inclusive;]~~ *201.320*;
 - (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or
 - (e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

- (a) A tribal court; or
- (b) A court of the United States or the Armed Forces of the United States;

or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 29. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~((p))~~ ~~((r))~~ (q) of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 30. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, *involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300* or a violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, *involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300* or a violation of NRS 205.463, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

➤ and may be further punished by a fine of not more than \$5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

- (c) Falsely to institute or maintain any action or proceeding;
 - (d) To cheat or defraud another out of any property by unlawful or fraudulent means;
 - (e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;
 - (f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or
 - (g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,
- ↪ each person is guilty of a gross misdemeanor.

Sec. 31. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. 1. *In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 200.463, 200.464 or 200.465 to pay restitution to the victim as provided in subsection 2.*

2. *Restitution ordered pursuant to this section may include, without limitation:*

- (a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;*
- (b) The cost of transportation, temporary housing and child care;*
- (c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;*
- (d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;*
- (e) The cost of repatriation of the victim to his or her home country, if applicable; and*
- (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.463, 200.464 or 200.465.*

3. *The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.*

4. *As used in this section, "victim" means any person:*

- (a) Against whom a violation of any provision of NRS 200.463, 200.464 or 200.465 has been committed; or*
- (b) Who is the surviving child of such a person.*

Sec. 33. 1. *In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 to pay restitution to the victim as provided in subsection 2.*

2. *Restitution ordered pursuant to this section may include, without limitation:*

(a) *The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;*

(b) *The cost of transportation, temporary housing and child care;*

(c) *The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;*

(d) *Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;*

(e) *The cost of repatriation of the victim to his or her home country, if applicable; and*

(f) *Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468.*

3. *The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.*

4. *As used in this section, "victim" means any person:*

(a) *Against whom a violation of any provision of NRS 200.467 or 200.468 has been committed; or*

(b) *Who is the surviving child of such a person.*

Sec. 34. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense, ~~for~~ an offense involving a pupil ~~or~~ or sex trafficking.

3. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~4.~~ 5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

~~5.~~ 6. "Statutory sexual seduction" means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or

(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing,

appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

~~{6-}~~ 7. "Victim" means a person who is a victim of a sexual offense , ~~{or}~~ an offense involving a pupil ~~{-}~~ *or sex trafficking*.

Sec. 35. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense , ~~{or}~~ an offense involving a pupil ~~{-}~~ *or sex trafficking*:

(a) Reports the sexual offense , ~~{or}~~ offense involving a pupil *or sex trafficking* to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense , ~~{or}~~ offense involving a pupil ~~{-}~~ *or sex trafficking*; and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense , ~~{or}~~ offense involving a pupil ~~{-}~~ *or sex trafficking*.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses , ~~{or}~~ offenses involving a pupil ~~{-}~~ *or sex trafficking*. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses , ~~{or}~~ offenses involving a pupil ~~{-}~~ *or sex trafficking*.

3. A victim of a sexual offense , ~~{or}~~ an offense involving a pupil *or sex trafficking* may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense , ~~{or}~~ an offense involving a pupil *or sex trafficking* is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses , ~~{or}~~ offenses involving a pupil ~~{-}~~ *or sex trafficking*.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense , ~~{or}~~ an offense involving a pupil ~~{-}~~ *or sex trafficking*.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses , ~~{and}~~ offenses involving a pupil *or sex trafficking* from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 36. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

↳ that reveals the identity of a victim of a sexual offense, ~~or~~ an offense involving a pupil *or sex trafficking* is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense, ~~or~~ an offense involving a pupil *or sex trafficking* and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense, ~~or~~ an offense involving a pupil ~~or~~ *sex trafficking*.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 37. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense, ~~or~~ an offense involving a pupil *or sex trafficking* may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense, ~~or~~ offense involving a pupil ~~or~~ *sex trafficking*, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, ~~or~~ offense involving a pupil ~~or~~ *sex trafficking*. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➔ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense , ~~for~~ offense involving a pupil ~~[-]~~ or *sex trafficking*.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense , ~~for~~ offense involving a pupil or *sex trafficking*, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 38. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense , ~~for~~ an offense involving a pupil or *sex trafficking* shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 39. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, ~~for~~ offense involving a pupil or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 40. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 40.3 and 40.7 of this act.

Sec. 40.3. 1. *The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320.*

2. *When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.*

Sec. 40.7. 1. *In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 to pay restitution to the victim as provided in subsection 2.*

2. *Restitution ordered pursuant to this section may include, without limitation:*

(a) *The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;*

(b) *The cost of transportation, temporary housing and child care;*

(c) *The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;*

(d) *Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;*

(e) *The cost of repatriation of the victim to his or her home country, if applicable; and*

(f) *Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320.*

3. *The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.*

4. *As used in this section, "victim" means any person:*

(a) *Against whom a violation of any provision of NRS 201.300 or 201.320 has been committed; or*

(b) *Who is the surviving child of such a person.*

Sec. 41. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, and sections 40.3 and 40.7 of this act, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.

2. "Child" means a person less than 18 years of age.

3. *"Induce" means to persuade, encourage, inveigle or entice.*

4. "Prostitute" means a male or female person who for a fee, *monetary consideration or other thing of value* engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

~~{4-}~~ 5. "Prostitution" means engaging in sexual conduct *with another person in return* for a fee ~~{-~~

~~5-}~~, *monetary consideration or other thing of value.*

6. "Sexual conduct" means any of the acts enumerated in subsection ~~{3-}~~ 4.

7. *"Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.*

Sec. 42. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~{-~~

~~(a) Induces, persuades, encourages, inveigles, entices or compels a person to~~, *without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution* ~~{-}~~, *or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution*

~~{(b) By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;~~

~~(c) By threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;~~

~~(d) By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;~~

~~(e) Takes or detains a person with the intent to compel the person by force, threats, menace or duress to marry him or her or any other person; or~~

~~(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution, is guilty of pandering.~~

2.—A person who is found guilty of pandering:

~~(a) An adult:~~

~~(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of pandering which is a category [D] C felony and shall be punished as provided in NRS 193.130.~~

~~[(b) A child:~~

~~(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.~~

~~(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.~~

~~3.] This [section] subsection does not apply to the customer of a prostitute.~~

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.

Sec. 43. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 ~~to 201.340, inclusive,~~ or 201.320 that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 43.5. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed,~~ or 201.320 are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~10~~ 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution *or for services to victims* which are designated to receive such distributions by the district attorney of the county.

Sec. 44. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~any provision~~ subsection 2 of NRS 201.300 ~~to 201.340, inclusive, and~~ or NRS 201.320, the victim of the violation is a child ~~who is:~~

~~(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$100,000.~~

~~(b) Less than 14 years of age~~ when the offense is committed ~~and~~ *and physical force or violence or the immediate threat of physical force or violence is used upon the child*, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of ~~any provision~~ subsection 2 of NRS 201.300 ~~to 201.340, inclusive,~~ or NRS 201.320, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of *subsection 2 of* NRS 201.300 ~~to 201.340, inclusive,~~ or NRS 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of *subsection 2 of* NRS 201.300 ~~to 201.340, inclusive,~~ or NRS 201.320 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 45. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.
15. Open or gross lewdness pursuant to NRS 201.210.
16. Lewdness with a child pursuant to NRS 201.230.
17. An offense involving pandering *or sex trafficking in violation of NRS 201.300* or prostitution in violation of NRS ~~[201.300,]~~ 201.320 . ~~[or 201.340.]~~
18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 46. NRS 207.360 is hereby amended to read as follows:
207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;

9. Taking property from another under circumstances not amounting to robbery;

10. Extortion;

11. Statutory sexual seduction;

12. Extortionate collection of debt in violation of NRS 205.322;

13. Forgery;

14. Any violation of NRS 199.280 which is punished as a felony;

15. Burglary;

16. Grand larceny;

17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

18. Battery with intent to commit a crime in violation of NRS 200.400;

19. Assault with a deadly weapon;

20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;

21. Receiving or transferring a stolen vehicle;

22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

24. Receiving, possessing or withholding stolen goods valued at \$650 or more;

25. Embezzlement of money or property valued at \$650 or more;

26. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;

27. Perjury or subornation of perjury;

28. Offering false evidence;

29. Any violation of NRS 201.300, 201.320 or 201.360;

30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

31. Any violation of NRS 205.506, 205.920 or 205.930;

32. Any violation of NRS 202.445 or 202.446; ~~for~~

33. Any violation of NRS 205.377 ~~for~~;

34. *Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or*

35. *Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.*

Sec. 47. NRS 217.070 is hereby amended to read as follows:
217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; ~~for~~

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1) ~~for~~; or

8. *A person who is trafficked in violation of subsection 2 of NRS 201.300.*

➡ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 48. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence, ~~for~~ sexual assault ~~for~~ or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➡ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422.050 and 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) *"Sex trafficking" means a violation of subsection 2 of NRS 201.300.*

(d) *"Sexual assault" has the meaning ascribed to it in NRS 200.366.*

Sec. 49. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. *"Victim of human trafficking" means a person who is a victim of:*

(a) *Involuntary servitude as set forth in NRS 200.463 or 200.464.*

(b) *A violation of any provision of NRS 200.465.*

(c) *Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.*

(d) *Sex trafficking in violation of any provision of NRS 201.300.*

(e) *A violation of NRS 201.320.*

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

~~{8.}~~ 9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 50. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the Secretary of State to have a fictitious address designated by the Secretary of State serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, *human trafficking*, sexual assault or stalking before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the Secretary of State may contact the applicant;

(d) A question asking whether the person wishes to:

(1) Register to vote; or

(2) Change the address of his or her current registration;

(e) A designation of the Secretary of State as agent for the adult, child or incompetent person for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the Secretary of State.

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The Secretary of State shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the

adult, child or incompetent person has been a victim of domestic violence, *human trafficking*, sexual assault or stalking before the filing of the application.

5. The Secretary of State shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

Sec. 51. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, *human trafficking*, sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address;

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 52. NRS 432.153 is hereby amended to read as follows:

432.153 It is the intent of the Legislature that law enforcement agencies in this State give a high priority to the investigation of crimes concerning missing *and exploited* children.

Sec. 53. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children; ~~and~~

(c) Recommend legislation concerning missing or exploited children ~~[-]~~ ;
and

(d) *Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 or a violation of NRS 201.320.*

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. *The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.*

7. *Interest and income earned on money in the Special Account must be credited to the Special Account.*

8. *Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive.*

9. *Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.*

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 201.310, 201.330 and 201.340 are hereby repealed.

Sec. 56. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 912 to Assembly Bill No. 67 deletes the reference to a violation of Section 320 of Chapter 201 of *Nevada Revised Statutes*, which concerns living from the earnings of a prostitute within the definition of "sexual offense," pursuant to Section 97 of Chapter 179D of *Nevada Revised Statutes*.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 80.

Bill read second time and ordered to third reading.

Assembly Bill No. 311.

Bill read second time and ordered to third reading.

Assembly Bill No. 344.

Bill read second time and ordered to third reading.

Assembly Bill No. 362.

Bill read second time and ordered to third reading.

Assembly Bill No. 370.

Bill read second time and ordered to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 918.

"SUMMARY—Requires a course of study in health to include, to the extent money is available for this purpose, instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator for certain grade levels. (BDR 34-204)"

"AN ACT relating to education; requiring instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator to be included, to the extent money is available for this purpose, within the course of study for health for pupils enrolled in middle schools, junior high schools or high schools; providing exceptions for certain pupils; requiring private secondary schools to include similar instruction, to the extent money is available for this purpose, in a course of study for health; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law designates, in addition to the core academic subjects that must be taught in all public schools, the following subjects that must be taught as applicable for grade levels: (1) the arts; (2) computer education and technology; (3) health; and (4) physical education. (NRS 389.018) The State

Board of Education is required to adopt regulations establishing the courses of study for the prescribed academic subjects, including health. (NRS 389.0185) Sections 1 and 2 of this bill require a course of study in health established by the State Board to include, for pupils enrolled in middle schools, junior high schools or high schools and to the extent money is available for this purpose, instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator. The requirements also apply, to the extent money is available for this purpose, to charter schools that enroll pupils at ~~the high school~~ those grade levels. If instruction is offered, a pupil who is enrolled in a course of study of health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

Existing law requires a private school to provide instruction in the courses of study prescribed by the State Board or courses of study prepared by the private school and approved by the State Board. (NRS 394.130) Section 3 of this bill requires a private secondary school which provides a course of study in health to include in the course of study, to the extent money is available for this purpose, instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator for the grade levels determined by the private school. The same exemptions as prescribed by section 2 apply to a pupil enrolled in a private school through a program of distance education and a pupil with a disability.

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

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English, including reading, composition and writing;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
 - (1) American government;

- (2) American history; and
- (3) World history or geography.

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. ~~Unless~~ *Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless* a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 2. NRS 389.0185 is hereby amended to read as follows:

389.0185 1. The State Board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

~~{1-}~~ (a) The academic subjects set forth in NRS 389.018. *A course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018 must, to the extent money is available for this purpose, for pupils enrolled in middle school, junior high school or high school, including, without limitation, pupils enrolled in ~~the high school~~ those grade levels at a charter school, include instruction in:*

(1) *The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and*

(2) *The use of an automated external defibrillator.*

~~{2-}~~ (b) Citizenship and physical training for pupils enrolled in high school.

~~{3-}~~ (c) Physiology, hygiene and , *except as otherwise prescribed by paragraph (a), cardiopulmonary resuscitation.*

~~{4-}~~ (d) The prevention of suicide.

~~{5-}~~ (e) Instruction relating to child abuse.

~~{6-}~~ (f) The economics of the American system of free enterprise.

~~{7-}~~ (g) American Sign Language.

~~{8-}~~ (h) Environmental education.

~~{9-}~~ (i) Adult roles and responsibilities.

➔ A course of study established for ~~{subsection 1}~~ paragraph (a) may include one or more of the subjects listed in ~~{subsections 2 to 9,}~~ paragraphs (b) to (i), inclusive.

2. If a course of study in health in middle school, junior high school or high school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district pursuant to NRS 391.092 or by the governing body of the charter school.

(b) The board of trustees of the school district or the governing body of the charter school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

Sec. 3. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the ~~{State} Board of Education}~~ or under courses of study prepared by such private schools and approved by the ~~{State} Board of Education}~~.

2. A course of study in health provided at a private secondary school must include, to the extent money is available for this purpose and for the grade levels determined by the private school, instruction in:

(a) The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and

(b) The use of an automated external defibrillator.

3. If a course of study in health in a private secondary school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation.

(b) The private school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the

instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

4. Such private schools shall be required to furnish from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools.

~~{3-}~~ 5. Nothing in this section shall be so construed as:

(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.

(b) To give such private schools any right to share in the public school funds apportioned for the support of the public schools of this State.

Sec. 4. This act becomes effective on July 1, 2013.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 918 revises Assembly Bill No. 414 to expand the range of grade levels in which school districts and charter schools may offer the instruction specified in the bill to also include middle schools or junior high schools.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 499.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 179.

The following Assembly Amendment was read:

Amendment No. 731.

"SUMMARY—Makes various changes to provisions governing public safety. (BDR 43-79)"

"AN ACT relating to public safety; enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; revising provisions relating to pedestrians and crosswalks; ~~authorizing the imposition by a court of mandatory attendance in a pedestrian, bicycle and traffic safety course for the driver of a vehicle found guilty of certain traffic violations;~~ providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a driver who is convicted of a violation of a speed limit or of certain other traffic violations is subject to a doubling of the penalty if the violation occurs in a highway construction zone when workers

are present. (NRS 484B.130) Existing law also provides that certain maximum speeds are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) Sections 2 and 24 of this bill provide that a driver is subject to a doubling of the penalty for a violation of a speed limit or of certain other traffic violations if the violation occurs in a school zone or a school crossing zone at a time when the statutory speed limits for such zones are in effect. Section 24 also makes it unlawful for a driver to make a U-turn or pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect. Finally, section 24 requires that the sign posted to mark the beginning of each school zone and school crossing zone newly include a designation that fines may be higher when the speed limit is in effect.

Section 1 of this bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. Section 1 also provides that a person who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone. Sections 3-13, 17, 18, 20-22, 25-28 and 30-32 of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian in a crosswalk under certain circumstances when the pedestrian is on the half of the highway upon which the vehicle is traveling, and when a pedestrian is lawfully in a crosswalk or intersection that is controlled by traffic lights. (NRS 484B.283, 484B.307) Section 15 of this bill requires a driver to stop for such a pedestrian, specifies that the requirement applies to both marked and unmarked crosswalks, expands the requirement to when a pedestrian is within one lane of the half of the highway upon which the vehicle is traveling and defines the term "half of the highway" to mean the entire width of all the traffic lanes which convey traffic in the same direction, including any paved shoulder. ~~Section 15 also authorizes a court, upon the conviction of the driver of a motor vehicle for violating certain crosswalk requirements, to order the driver to attend a course of pedestrian, bicycle and traffic safety and to lower the amount of any fine imposed if the person attends such a course. Section 15 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.~~ Section 19 of this bill requires a driver to stop for a pedestrian who is lawfully in a crosswalk or an intersection that is controlled by traffic lights.

Existing law requires a pedestrian to yield the right-of-way to vehicles when the pedestrian is crossing a highway outside of a marked or unmarked crosswalk, and when crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Existing law also prohibits a pedestrian from crossing a highway outside of a marked crosswalk when the pedestrian is between adjacent intersections at which traffic-control devices are in operation. (NRS 484B.287) Section 16 of this

bill eliminates the requirement for a pedestrian to yield the right-of-way to vehicles when crossing where a pedestrian tunnel or overhead pedestrian crossing has been provided. ~~Section 16 also revises the prohibition on a pedestrian crossing outside of a marked crosswalk between adjacent intersections to forbid a pedestrian from crossing outside of a marked or unmarked crosswalk if the pedestrian is within 250 feet of a marked or unmarked crosswalk, unless the pedestrian is crossing certain streets in a residential area.~~ Section 16 also requires a pedestrian to cross a highway at a right angle to the edge of the highway or, when a right angle is not possible or practicable, by the shortest route to the opposite side.

~~† Existing law provides that driving a vehicle in willful or wanton disregard of the safety of persons or property constitutes reckless driving, and provides for the imposition of certain fines and terms of imprisonment on a driver who is found guilty of reckless driving. (NRS 484B.653) Section 29 of this bill authorizes a court to order a driver found guilty of reckless driving under certain circumstances to, in addition to the required fine or term of imprisonment, attend a course of pedestrian, bicycle and traffic safety if the reckless driving involved the safety of pedestrians or persons riding bicycles. Section 29 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.~~

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

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.*

2. *The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.*

3. *A governmental entity that designates a pedestrian safety zone shall cause to be erected:*

(a) A sign located before the beginning of the zone which provides notice that higher fines may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any pedestrian in the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) ~~Complies~~ Complies with the requirements of subsection 3 ~~and~~ and NRS 484A.430 and 484A.440.

Sec. 2. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections ~~2~~ 5, 9 and ~~6~~ 11, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, ~~484B.363~~, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120 ~~is~~ is subject to the additional penalty set forth in subsection 4 if that violation occurred ~~in~~

~~(a)~~ as described in subsection 2 or 3.

2. For the purposes of subsection 1, the additional penalty set forth in subsection 4 applies when the violation occurs:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions. ~~+~~

~~3.~~ 3. For the purposes of subsection 1, the additional penalty set forth in subsection 4 applies when the violation occurs:

(a) In an area designated as a school zone or a school crossing zone in accordance with NRS 484B.363; and

(b) When the speed limits required by NRS 484B.363 are in effect.

4. Except as otherwise provided in sections 5, 9 and 11, a person convicted of a violation pursuant to subsection 1 shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the

court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~{2-}~~ 5. The additional penalty imposed pursuant to subsection ~~{1-}~~ 4 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

~~{3-}~~ 6. Except as otherwise provided in subsection ~~{5-}~~ 8, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

~~{4-}~~ 7. A person who otherwise would be subject to an additional penalty pursuant to ~~{this section}~~ subsection 2 is not relieved of any criminal liability because signs are not erected as required by subsection ~~{3-}~~ 6 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

~~{5-}~~ 8. The requirements of subsection ~~{3-}~~ 6 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

~~{6-}~~ 9. A person who would otherwise be subject to an additional penalty pursuant to ~~{this section}~~ subsection 2 is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection ~~{5-}~~ 8, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

10. *A person who otherwise would be subject to an additional penalty pursuant to subsection 3 is not relieved of any criminal liability because the school zone or school crossing zone is not marked in accordance with NRS 484B.363 if the violation results in injury to any person in the school zone or school crossing zone or in damage to property in an amount equal to \$1,000 or more.*

11. *A person who otherwise would be subject to an additional penalty pursuant to subsection 3 is not subject to an additional penalty if the violation occurred in a school zone or a school crossing zone which is not marked in accordance with NRS 484B.363 unless the violation results in injury to any person in the school zone or school crossing zone or in damage to property in an amount equal to \$1,000 or more.*

Sec. 3. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.

3. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 4. NRS 484B.163 is hereby amended to read as follows:

484B.163 1. A person shall not drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3. Except as otherwise provided in NRS 484D.440, a vehicle must not be operated upon any highway unless the driver's vision through any required glass equipment is normal.

4. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 5. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications

with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of \$50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of \$100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of \$250.

5. A person who violates any provision of subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act.*

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 6. NRS 484B.200 is hereby amended to read as follows:

484B.200 1. Upon all highways of sufficient width a vehicle must be driven upon the right half of the highway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movements;

(b) When the right half of the highway is closed to traffic;

(c) Upon a highway divided into three lanes for traffic under the laws applicable thereon;

(d) Upon a highway designated and posted for one-way traffic; or

(e) When the highway is not of sufficient width.

2. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 7. NRS 484B.203 is hereby amended to read as follows:

484B.203 1. Drivers of vehicles proceeding in opposite directions shall pass each other keeping to the right, and upon highways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the paved portion of the highway as nearly as possible.

2. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 8. NRS 484B.207 is hereby amended to read as follows:

484B.207 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

3. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 9. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 10. NRS 484B.213 is hereby amended to read as follows:

484B.213 1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without

interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

2. A vehicle must not be driven to the left side of the highway at any time:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

3. Subsection 2 does not apply upon a one-way highway.

4. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act~~.

Sec. 11. NRS 484B.217 is hereby amended to read as follows:

484B.217 1. The Department of Transportation with respect to highways constructed under the authority of chapter 408 of NRS, and local authorities with respect to highways under their jurisdiction, may determine those zones of highways where overtaking and passing to the left or making a left-hand turn would be hazardous, and may by the erection of official traffic-control devices indicate such zones. When such devices are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

2. Except as otherwise provided in subsections 3 and 4, a driver shall not drive on the left side of the highway within such zone or drive across or on the left side of any pavement striping designed to mark such zone throughout its length.

3. A driver may drive across a pavement striping marking such zone to an adjoining highway if the driver has first given the appropriate turn signal and there will be no impediment to oncoming or following traffic.

4. Except where otherwise provided, a driver may drive across a pavement striping marking such a zone to make a left-hand turn if the driver has first given the appropriate turn signal in compliance with NRS 484B.413, if it is safe and if it would not be an impediment to oncoming or following traffic.

5. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act~~.

Sec. 12. NRS 484B.223 is hereby amended to read as follows:

484B.223 1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must:

(a) Be driven as nearly as practicable entirely within a single lane; and

(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.

2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:

(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;

(b) In preparation for a left turn; or

(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give notice of such allocation.

3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:

(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway.

(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway.

(c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.

4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:

(a) Be driven in the right turn lane only for the purpose of making a right turn; and

(b) While being driven in the right turn lane, not travel through an intersection.

5. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act.*

Sec. 13. NRS 484B.227 is hereby amended to read as follows:

484B.227 1. Every vehicle driven upon a divided highway must be driven only upon the right-hand roadway and must not be driven over, across or within any dividing space, barrier or section or make any left turn, semicircular turn or U-turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.

2. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act.*

Sec. 14. NRS 484B.280 is hereby amended to read as follows:

484B.280 1. A driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;
 (2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a *school zone or a* school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk ~~[.] in accordance with NRS 484B.283.~~

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. *A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.*

Sec. 15. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control ~~[devices]~~ *signals* are not in place or not in operation, the driver of a vehicle shall ~~[yield the right of way, slowing down or stopping if need be so to yield, to]~~ *stop* for a pedestrian crossing the highway within a *marked or unmarked* crosswalk when the pedestrian is upon *or within one traffic lane of* the half of the highway upon which the vehicle is traveling ~~[, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.] or onto which the vehicle is about to turn.~~

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to ~~[yield.] stop.~~

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk, ~~[at an intersection,]~~ the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk" or "Don't Walk" *or symbols indicating "Walk" or "Don't Walk"* are in place, such signals indicate as follows:

(1) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. *The requirements of paragraph (a) of subsection 1 do not apply:*

(a) *At a marked or unmarked crosswalk where the movement of traffic is being directed by a police officer; or*

(b) *Where otherwise prohibited by local ordinance or regulation.*

3. ~~Except as otherwise provided in subsection 4, if the driver of a motor vehicle or a pedestrian violates paragraph (a) or (c) of subsection 1, the court may, in addition to any fine imposed, order the driver or pedestrian to attend, at the driver's or pedestrian's own expense, a course of pedestrian, bicycle and traffic safety approved by the Department. The court may lower the amount of any fine imposed if the driver or pedestrian attends such a course.~~

~~4. The driver of a motor vehicle or a pedestrian who violates paragraph (a) or (c) of subsection 1 may be exempted from attending a course of pedestrian, bicycle and traffic safety pursuant to subsection 3 if he or she lives more than 50 miles from the nearest location where such a course is offered.~~

~~5.~~ If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~6.~~ 4. *A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.*

~~7.~~ 5. *For the purposes of this section, "half of the highway" means the entire width of all the traffic lanes which are conveying traffic in the same direction of travel, including any paved shoulder.*

Sec. 16. NRS 484B.287 is hereby amended to read as follows:

484B.287 1. Except as provided in NRS 484B.290:

~~1.~~ (a) Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk ~~at an intersection~~ shall yield the right-of-way to all vehicles upon the highway.

~~2.~~ (b) Any pedestrian crossing a highway ~~at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the highway.~~

~~3. Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.~~

4.] shall cross at a right angle to the edge of the highway, or by the shortest route to the opposite side of the highway where a right angle is not possible or practicable except as otherwise provided in paragraphs ~~[(c)]~~ (c) and ~~[(d)]~~ (d).

(c) ~~Except as otherwise provided in this paragraph, a pedestrian who is within 250 feet of a marked crosswalk or an unmarked crosswalk shall not cross the highway outside of the marked or unmarked crosswalk. On a residential street, a pedestrian who is within 250 feet of a marked or an unmarked crosswalk may cross the residential street outside of the marked or unmarked crosswalk in accordance with paragraphs (a) and (b).~~

~~(d) A pedestrian who is more than 250 feet from a marked or unmarked crosswalk may cross a highway in accordance with paragraphs (a) and (b).~~

~~(e)]~~ A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~[5.] [(d)]~~ When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

2. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

~~§ 3. As used in this section, "residential street" means a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.~~

Sec. 17. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. It is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 18. NRS 484B.303 is hereby amended to read as follows:

484B.303 1. Whenever official traffic-control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.

2. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 19. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word *or symbol* legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and ~~to~~ stop for pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must ~~yield the right-of-way to~~ stop for pedestrians lawfully within an adjacent crosswalk and *yield the right-of-way* to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the

traffic must ~~[yield the right-of-way to]~~ *stop for* pedestrians lawfully within the adjacent crosswalk and *yield the right-of-way* to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and ~~[to]~~ *stop for* pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. *Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:*

(a) *Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must stop for pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.*

(b) *Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.*

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as provided in paragraph (c), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is

two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must ~~yield the right-of-way to~~ *stop for* pedestrians and *yield the right-of-way to* other traffic proceeding as directed by the signal at the intersection.

(d) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

~~{8.}~~ 9. Where the signal is a steady red with a green turn arrow:

(a) Vehicular traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must ~~yield the right-of-way to~~ *stop for* pedestrians lawfully within an adjacent crosswalk and *yield the right-of-way to* other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

~~{9.}~~ 10. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~{10.}~~ 11. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~{11.}~~ 12. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

13. *A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.*

Sec. 20. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

2. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 21. NRS 484B.320 is hereby amended to read as follows:

484B.320 1. Except as otherwise provided in this section:

(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:

(a) To a provider of mass transit, a signal prioritization device; or

(b) To a response agency, a signal preemption device or a signal prioritization device, or both.

3. A police officer:

(a) Shall, without a warrant, seize any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal; or

(b) May, without a warrant, seize and take possession of a vehicle equipped with any device or mechanism that is capable of interfering with or altering the signal of a traffic-control signal, including, without limitation, a mobile transmitter, if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may cause the vehicle to be towed and impounded until:

(1) The device or mechanism is removed from the vehicle; and

(2) The owner claims the vehicle by paying the cost of the towing and impoundment.

4. Neither the police officer nor the governmental entity which employs the officer is civilly liable for any damage to a vehicle seized pursuant to the provisions of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the towing process begins.

5. Except as otherwise provided in subsection 9, the presence of any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal in or on a vehicle on the highways of this State constitutes prima facie

evidence of a violation of this section. The State need not prove that the device or mechanism in question was in an operative condition or being operated.

6. A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.

7. A person who violates any provision of subsection 1 or 2 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act.*

8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

9. The provisions of this section do not:

(a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

10. As used in this section:

(a) "Mobile transmitter" means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

↪ The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) "Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 277A.270.

(c) "Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;

(2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;

(3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.

(e) "Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or

(3) The functions described in both subparagraphs (1) and (2).

(f) "Traffic-control signal" means a traffic-control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.

Sec. 22. NRS 484B.327 is hereby amended to read as follows:

484B.327 1. It is unlawful for any person to remove any barrier or sign stating that a highway is closed to traffic.

2. It is unlawful to pass over a highway that is marked, signed or barricaded to indicate that it is closed to traffic. A person who violates any provision of this subsection may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act*.

Sec. 23. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than \$1,000, the driver shall be punished by a fine of not less than \$1,000 or more than \$2,000, and ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in ~~subsection 1 of~~ NRS 484B.130.

4. As used in this section, "authorized flagger serving in a traffic control capacity" means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 24. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. *The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:*

- (a) On a day on which school is not in session;*
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;*
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or*
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.*

4. *The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:*

- (a) On a day on which school is not in session;*
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;*
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or*
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.*

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

~~{4.}~~ 6. Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include ~~{a}~~ :

(a) A designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present ~~{~~

~~5.}~~ ; and

(b) A statement which satisfies the requirements of NRS 484A.430 and provides notice that higher fines may apply in school zones.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that

is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

~~{6.}~~ 8. *A person who violates any provision of subsections 1 to 4, inclusive, may be subject to any additional penalty set forth in NRS 484B.130 or section 1 of this act.*

9. If, while violating ~~{subsection 1 or 2,}~~ any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~{7.}~~ 10. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 25. NRS 484B.403 is hereby amended to read as follows:

484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227, 484B.363 and 484B.407.

2. If an official traffic-control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.

3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.

4. Notwithstanding the foregoing provisions of this section, local authorities and the Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.

5. A person who violates any provision of this section may be subject to ~~{the}~~ any additional penalty set forth in NRS 484B.130 ~~{or section 1 of this act.}~~

Sec. 26. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 75 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 27. NRS 484B.603 is hereby amended to read as follows:

484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.

2. Any person who fails to use due care as required by subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 28. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~[]~~ or *section 1 of this act*.

Sec. 29. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➔ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, ~~subsection 1 or 2~~ subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months ~~and~~

~~and may be ordered to attend, at the driver's own expense, a course of pedestrian, bicycle and traffic safety approved by the Department if the violation involved the safety of pedestrians or persons riding bicycles. The driver may be exempted from attending such a course if he or she resides more than 50 miles from the nearest location where such a course is offered.~~

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 or section 1 of this act unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 30. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act

or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~[-] or section 1 of this act.~~

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

Sec. 31. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,
 ➔ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,
 ➔ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

	Urine	Blood
Prohibited substance	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		

(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 32. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,
 ➡ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➡ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public

has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act.*

6. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver;

or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Senator Manendo moved that the Senate concur in the Assembly Amendment No. 731 to Senate Bill No. 179.

Motion carried by a constitutional majority.

Bill ordered engrossed.

Senate Bill No. 179.

The following Assembly Amendment was read:

Amendment No. 871.

"SUMMARY—Makes various changes to provisions governing public safety. (BDR ~~[43-79]~~ 35-79)"

"AN ACT relating to public safety; ~~[enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones;]~~ revising provisions relating to pedestrians and ~~[crosswalks; providing a penalty;]~~ traffic safety; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, ~~[a driver who is convicted of a violation of a speed limit or of certain other traffic violations is subject to a doubling of the penalty if the violation occurs in a highway construction zone when workers are present. (NRS 484B.130) Existing law also provides that certain maximum speeds are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) Sections 2 and 24 of this bill provide that a driver is subject to a doubling of the penalty for a violation of a speed limit or of certain other traffic violations if the violation occurs in a school zone or a school crossing zone at a time when the statutory speed limits for such zones are in effect. Section 24 also makes it unlawful for a driver to make a U-turn or pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect. Finally, section 24 requires that the sign posted to mark the beginning of each school zone and school crossing zone newly include a designation that fines may be higher when the speed limit is in effect.]~~ the Department of Transportation is required to develop an educational program concerning bicycle and pedestrian safety. The program must be designed to inform bicyclists and pedestrians of applicable traffic laws and encourage observance of those laws, and to promote bicycle and pedestrian safety. (NRS 408.571)

Section 1 of this bill ~~[authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. Section 1 also provides that a person~~

~~who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone. Sections 3-13, 17, 18, 20-22, 25-28 and 30-32 of this bill make conforming changes to indicate the possibility of the enhanced penalty.~~

~~Existing law requires the driver of a vehicle to yield the right of way to a pedestrian in a crosswalk under certain circumstances when the pedestrian is on the half of the highway upon which the vehicle is traveling, and when a pedestrian is lawfully in a crosswalk or intersection that is controlled by traffic lights. (NRS 484B.283, 484B.307) Section 15 of this bill requires a driver to stop for such a pedestrian, specifies that the requirement applies to both marked and unmarked crosswalks, expands the requirement to when a pedestrian is within one lane of the half of the highway upon which the vehicle is traveling and defines the term "half of the highway" to mean the entire width of all the traffic lanes which convey traffic in the same direction, including any paved shoulder. Section 19 of this bill requires a driver to stop for a pedestrian who is lawfully in a crosswalk or an intersection that is controlled by traffic lights.~~

~~Existing law requires a pedestrian to yield the right of way to vehicles when the pedestrian is crossing a highway outside of a marked or unmarked crosswalk, and when crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Existing law also prohibits a pedestrian from crossing a highway outside of a marked crosswalk when the pedestrian is between adjacent intersections at which traffic control devices are in operation. (NRS 484B.287) Section 16 of this bill eliminates the requirement for a pedestrian to yield the right of way to vehicles when crossing where a pedestrian tunnel or overhead pedestrian crossing has been provided. Section 16 also requires a pedestrian to cross a highway at a right angle to the edge of the highway or, when a right angle is not possible or practicable, by the shortest route to the opposite side.]~~
requires any such program to also inform the traveling public of applicable traffic laws and encourage observance of those laws, and to promote traffic safety in school zones.

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

Delete existing sections 1 through 32 of this bill and replace with the following new section:

Section 1. NRS 408.571 is hereby amended to read as follows:

408.571 1. The Department shall develop an educational program concerning bicycle and pedestrian safety which must be:

(a) Suitable for children and adults; and
 (b) Developed by a person who is trained in the techniques of bicycle and pedestrian safety.

2. The program must be designed to:

(a) Aid bicyclists in improving their riding skills;

(b) Inform bicyclists, ~~and~~ pedestrians *and the traveling public* of applicable traffic laws and encourage observance of those laws; ~~and~~

(c) Promote bicycle and pedestrian safety ~~and~~; *and*

(d) Promote traffic safety in school zones.

3. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484A.025 and includes an electric bicycle as defined in NRS 482.0287.

Senator Manendo moved that the Senate do not concur in the Assembly Amendment No. 871 to Senate Bill No. 179.

Motion carried.

Bill ordered transmitted to the Assembly.

RECEDE FROM SENATE AMENDMENTS

Senator Atkinson moved that the Senate do not recede from its action on Assembly Bill No. 181, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Atkinson, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 181.

RECEDE FROM SENATE AMENDMENTS

Senator Woodhouse moved that the Senate do not recede from its action on Assembly Bill No. 205, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Woodhouse, Ford and Cegavske as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 205.

President Krolicki appointed Senators Smith, Woodhouse and Kieckhefer as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 185.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 27, 58, 94, 131, 208, 220, 224, 229, 230, 235, 301, 314, 319, 383, 384, 399, 405, 414, 423, 427, 443, 446, 447, 463, 466, 469, 478, 498; Senate Joint Resolution No. 14 of the 76th Legislative Session; Assembly Bills Nos. 10, 35, 44, 48, 54, 64, 87, 97, 99, 116, 126, 156, 172, 200, 233, 300, 345, 346, 348, 456, 494.

REMARKS FROM THE FLOOR

Senator Smith requested that her remarks be entered in the Journal.

Thank you, Mr. President. I have a proclamation here that relates to our guests on the Floor today. Since the conclusion of the 2011 Legislative Session, several tragic events have been experienced in northern Nevada which required the heroic and coordinated efforts of a number of different emergency responders: on September 6, 2011, an armed man entered the International House of Pancakes in Carson City and opened fire, killing 4 and injuring 11—law enforcement agencies, fire department units and emergency medical units responded and triaged, treated and transported 10 of the wounded to area hospitals in just over 30 minutes; on September 16, 2011, one of the planes competing at the Reno Air Races suffered a mechanical failure and crashed along the race course in close proximity to the public viewing area, killing the pilot and 10 spectators, and injuring 69 additional bystanders—well-trained emergency crews were located at the event and were able to perform the unbelievable task of triaging, treating and transporting a total of 54 patients needing medical care to area hospitals in a total time of 62 minutes; on November 18, 2011, a wildfire broke out in the Caughlin Ranch area of Southwest Reno, and with winds gusting up to 70 miles per hour the fire moved with great speed, ultimately burning 1,935 acres, accounting for one civilian death, destroying 26 homes and damaging 17 more, and causing the evacuation of more than 4,000 residents to local schools and shelters; and on January 19, 2012, a wildfire broke out near the north end of Washoe Valley and was pushed by high winds into Pleasant Valley, burning more than 3,100 acres, accounting for one civilian death, destroying 28 homes and damaging 7 more and causing the evacuation of over 4,000 area residents. Whereas through the valiant efforts of fire crews, emergency responders, public safety personnel, public and private agencies and volunteers in these areas, an untold number of lives were protected, and it is estimated that more than 5,000 homes were saved at Caughlin Ranch and 800 homes were saved in Washoe Valley and Pleasant Valley. The proclamation recognizes that the members of the 2013 Legislature express their most sincere and heartfelt condolences to all of the families that suffered loss of family members, sustained injuries and lost their homes and property during the devastating events, and that the members of the Legislature also convey our utmost thanks and commendation to the fire departments, law enforcement agencies, emergency responders, hospitals, charitable organizations, federal, state and local agencies, public schools and all of the others who participated in the response to and recovery from these disasters.

Listening to the descriptions of these events seems fairly surreal now to think we had so many tragedies in such a short period of time. Over and over again, we all heard about the amazing response times, the coordination of efforts and how many lives, and how much property was saved; all because of the risks that many of these first responders took, the treatment they provided and all of their coordinated activities to save any further incident. Today I ask that my colleagues join me in thanking all of these first responders. We have several of them here on the Floor who have already been introduced. However, I hope you will all join me in thanking them as well as all of the people listening and watching—all of those who were part of helping during this series of disasters.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Ann Egan and Alan Tom.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Amy Newman.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Jill Hardy.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Dennis Jacobsen; and also to the students, teachers and chaperones from Bordewich-Bray Elementary School;

students: Tobey Ahdunko, Jordany Arevalo Hernandez, Trent Boatner, Alexandra Bradley, Subrina Castro, Virgil Chambers, Lindsay Chowanski, Talen Christensen, Justin Clark, Caylee Dauber, Aubree Diez, Eliseo Garcia Cruz, Emily Gehr-Howard, Annalisa Geiger, Sarah Gomer, Joline Kinzel, Alexsandra Knowlton, Sean Leonard, Chatherine Lopez, Jeweleeanna McCauley, Jake Miller, Julianna Montes, Engel Mulhauser, Lillian Olson, Kyle Pierce, Dakota Poole, Wesley Reid, Elijah Romero and Kyla West; teachers and chaperones: Debbie Gehr, Miyoko Loflin, Linnea Pierce, Kayli Sprague and Becky Smith; and also to the students and teachers from Lake Tahoe School; students: Ingrid Altunin, Vanja Altunin, Clara Arcaris-Weiss, Ethan Chen, Kenzie Davidson, Clara Hart, Mary Jane (M.J.) Hatchett, Kylie Ludviksen, Thomas Ornborg, Zachary Roberts, Ludo Scarpulla, Katherine Tong, Simon Votaw and Jackson Weinberger and teachers: Robert Crocke and Holly Williamson.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. John Marini.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to the students from Hummel Elementary School: Tyler Corder, Timothy Costa, Kendal Eastburn, Joel Garcia, Noriko Harris, Colton Jones, Leanna Laufenburger, Khayla Charis Lana, Zyrah Martinez-Perez, Yazmin Mireles, Samantha Pedote, Jessica Pytko, Jordan Reimer, Saryna Shaw, Julian Velasco and Tony Villalovos.

On request of Senator Segerblom, the privilege of the Floor of the Senate Chamber for this day was extended to Jon Ponder.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Sheriff Ken Furlong, Ben Pridham, Bob Schreihans and Nancy Schreihans.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Dave French and Tim Kuzanek.

On request of Senator Spearman, the privilege of the Floor of the Senate Chamber for this day was extended to J.T. Creeden.

Senator Denis moved that the Senate adjourn until Friday, May 31, 2013, at 11:30 a.m.

Motion carried.

Senate adjourned at 5:17 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate