

ASSEMBLY BILL NO. 173—ASSEMBLYMEN HICKEY,
O’NEILL AND KIRNER

FEBRUARY 18, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing private investigators.
(BDR 54-758)

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

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

AN ACT relating to private investigations; exempting information security professionals, while engaging in certain activities, from regulation as a private investigator; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person engaging in the business of a private
2 investigator must be licensed by and is subject to the regulation of the Private
3 Investigator’s Licensing Board. (NRS 648.060) Existing law defines a private
4 investigator to include a person who conducts an investigation through the review
5 or analysis of computerized data not available to the public. (NRS 648.012) **Section**
6 **1** of this bill defines the term “information security professional” for the purpose of
7 exempting information security professionals from existing law governing private
8 investigators. **Section 2** of this bill exempts an information security professional
9 from the provisions of chapter 648 of NRS, which is the existing law governing
10 private investigators, while the information security professional is engaged in
11 those activities specified in the definition of an information security professional.

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

1 **Section 1.** Chapter 648 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. “Information security professional” means a person with***
4 ***expertise in computer systems who engages in the business of***
5 ***establishing, maintaining and restoring the confidentiality,***
6 ***integrity and availability of information assets by:***



1 (a) Participating in the design, installation and configuration
2 of information assets;

3 (b) Auditing, monitoring and testing the confidentiality,
4 integrity and availability of information assets;

5 (c) Responding to and rectifying data breaches or failures of
6 the confidentiality, integrity and availability of information assets;

7 (d) Analyzing information assets to determine the causes of
8 data breaches and failures or to prevent future data breaches and
9 failures; or

10 (e) Ensuring compliance with regulations or mandates
11 regarding the confidentiality, integrity and availability of
12 information assets.

13 2. The term includes, without limitation, a person commonly
14 referred to in the information security industry by any of the
15 following job titles:

16 (a) Data network forensic analyst;

17 (b) Data security incident handler;

18 (c) Data system intrusion analyst;

19 (d) Data system penetration tester;

20 (e) Data system perimeter protection analyst;

21 (f) Data system security administrator;

22 (g) Data system security auditor;

23 (h) Data system security controls auditor;

24 (i) Digital forensic analyst;

25 (j) Industrial control system data security analyst;

26 (k) Information governance professional;

27 (l) Information security analyst;

28 (m) Malware reverse engineer; or

29 (n) Mobile device security analyst.

30 3. As used in this section:

31 (a) "Availability" means the process by which information
32 assets are rendered accessible to authorized persons when
33 requested.

34 (b) "Confidentiality" means the process of protecting
35 information assets so that data is accessible only by persons
36 authorized to access such data.

37 (c) "Information asset" means private data and the hardware
38 upon which the data is stored or moved.

39 (d) "Integrity" means the process of protecting information
40 assets so the content of the data is not changed, altered or deleted
41 by unauthorized persons.

42 **Sec. 2.** NRS 648.005 is hereby amended to read as follows:

43 648.005 As used in this chapter, unless the context otherwise
44 requires, the words and terms defined in NRS 648.006 to 648.016,



1 inclusive, *and section 1 of this act* have the meanings ascribed to
2 them in those sections.

3 **Sec. 3.** NRS 648.018 is hereby amended to read as follows:

4 648.018 Except as to polygraphic examiners and interns, this
5 chapter does not apply:

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

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

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

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

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

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

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

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

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

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

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



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

4 13. To any commercial registered agent, as defined in NRS
5 77.040, who obtains copies of, examines or extracts information
6 from public records maintained by any foreign, federal, state or
7 local government, or any agency or political subdivision of any
8 foreign, federal, state or local government.

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

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

18 *16. To an information security professional while engaged in*
19 *an activity described in section 1 of this act.*

