

SENATE BILL NO. 36—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF FORESTRY)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing state business licenses.
(BDR 7-368)

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

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

AN ACT relating to state business licenses; providing that a person is not required to obtain a state business license if the sole activity in this State of the person's business is to respond to a request for vehicles or equipment in response to certain emergencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a person to obtain a state business license and pay a fee
2 before conducting business within this State, unless exempted from the business
3 license requirement. (NRS 76.100) Existing law further prohibits a person from
4 entering into a contract with the State of Nevada unless he or she holds a state
5 business license. (NRS 353.007) **Section 1** of this bill provides that a person is
6 deemed not to be conducting business in this State, and thus is not required to
7 obtain a state business license, if the sole activity of the person's business in this
8 State is to provide, on a short-term basis, vehicles or equipment in response to a
9 wildland fire, a flood, an earthquake or another emergency. **Section 2** of this bill
10 authorizes such a person to enter into a contract with the State of Nevada without
11 obtaining a state business license.



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

- 1 **Section 1.** NRS 76.100 is hereby amended to read as follows:
2 76.100 1. A person shall not conduct a business in this State
3 unless and until the person obtains a state business license issued by
4 the Secretary of State. If the person is:
5 (a) An entity required to file an initial or annual list with the
6 Secretary of State pursuant to this title, the person must obtain the
7 state business license at the time of filing the initial or annual list.
8 (b) Not an entity required to file an initial or annual list with the
9 Secretary of State pursuant to this title, the person must obtain the
10 state business license before conducting a business in this State.
11 2. An application for a state business license must:
12 (a) Be made upon a form prescribed by the Secretary of State;
13 (b) Set forth the name under which the applicant transacts or
14 intends to transact business, or if the applicant is an entity organized
15 pursuant to this title and on file with the Secretary of State, the exact
16 name on file with the Secretary of State, the entity number as
17 assigned by the Secretary of State, if known, and the location in this
18 State of the place or places of business;
19 (c) Be accompanied by a fee in the amount of \$100; and
20 (d) Include any other information that the Secretary of State
21 deems necessary.
22 ➔ If the applicant is an entity organized pursuant to this title and on
23 file with the Secretary of State and the applicant has no location in
24 this State of its place of business, the address of its registered agent
25 shall be deemed to be the location in this State of its place of
26 business.
27 3. The application must be signed pursuant to NRS 239.330 by:
28 (a) The owner of a business that is owned by a natural person.
29 (b) A member or partner of an association or partnership.
30 (c) A general partner of a limited partnership.
31 (d) A managing partner of a limited-liability partnership.
32 (e) A manager or managing member of a limited-liability
33 company.
34 (f) An officer of a corporation or some other person specifically
35 authorized by the corporation to sign the application.
36 4. If the application for a state business license is defective in
37 any respect or the fee required by this section is not paid, the
38 Secretary of State may return the application for correction or
39 payment.
40 5. The state business license required to be obtained pursuant
41 to this section is in addition to any license to conduct business that



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1 must be obtained from the local jurisdiction in which the business is
2 being conducted.

3 6. For the purposes of this chapter, a person ~~shall~~ :

4 *(a) Shall be deemed to conduct a business in this State if a*
5 *business for which the person is responsible:*

6 ~~(a)~~ *(1) Is organized pursuant to this title, other than a business*
7 *organized pursuant to:*

8 ~~(1)~~ *(I) Chapter 82 or 84 of NRS; or*

9 ~~(2)~~ *(II) Chapter 81 of NRS if the business is a nonprofit*
10 *religious, charitable, fraternal or other organization that qualifies as*
11 *a tax-exempt organization pursuant to 26 U.S.C. § 501(c) ~~H~~ ;*

12 ~~(b)~~ *(2) Has an office or other base of operations in this State;*

13 ~~(c)~~ *(3) Has a registered agent in this State; or*

14 ~~(d)~~ *(4) Pays wages or other remuneration to a natural person*
15 *who performs in this State any of the duties for which he or she is*
16 *paid ~~H~~ ;*

17 *(b) Shall be deemed not to conduct a business in this State if*
18 *the business for which the person is responsible:*

19 *(1) Is not organized pursuant to this title;*

20 *(2) Does not have an office or base of operations in this*
21 *State;*

22 *(3) Does not have a registered agent in this State;*

23 *(4) Does not pay wages or other remuneration to a natural*
24 *person who performs in this State any of the duties for which he*
25 *or she is paid, other than wages or other remuneration paid to a*
26 *natural person for performing duties in connection with an*
27 *activity described in subparagraph (5); and*

28 *(5) Is conducting activity in this State solely to provide*
29 *vehicles or equipment on a short-term basis in response to a*
30 *wildland fire, a flood, an earthquake or another emergency.*

31 7. As used in this section, "registered agent" has the meaning
32 ascribed to it in NRS 77.230.

33 **Sec. 2.** NRS 353.007 is hereby amended to read as follows:

34 353.007 1. ~~1A~~ *Except as otherwise provided in subsection*
35 *2, a person shall not enter into a contract with the State of Nevada*
36 *unless the person is a holder of a state business license issued*
37 *pursuant to chapter 76 of NRS.*

38 *2. A person who is not a holder of a state business license*
39 *may enter into a contract with the State of Nevada if the business*
40 *for which the person is responsible:*

41 *(a) Is not organized pursuant to title 7 of NRS;*

42 *(b) Does not have an office or base of operations in this State;*

43 *(c) Does not have a registered agent in this State;*

44 *(d) Does not pay wages or other remuneration to a natural*
45 *person who performs in this State any of the duties for which he*



1 *or she is paid, other than wages or other remuneration paid to a*
2 *natural person for performing duties in connection with an*
3 *activity described in paragraph (e); and*

4 *(e) Is conducting activity in this State solely to provide vehicles*
5 *or equipment on a short-term basis in response to a wildland fire,*
6 *a flood, an earthquake or another emergency.*

7 ~~12-1~~ 3. The provisions of this section apply to all offices,
8 departments, divisions, boards, commissions, institutions, agencies
9 or any other units of:

10 (a) The Legislative, Executive and Judicial Departments of the
11 State Government;

12 (b) The Nevada System of Higher Education; and

13 (c) The Public Employees' Retirement System.

14 **Sec. 3.** This act becomes effective on July 1, 2015.

