

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 19, 2015

Assembly called to order at 12:31 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, we come to You with thankfulness for the blessings You give us. We thank You for our State Assembly members and their faithfulness. We ask You to be with them and bless them. We ask that You fill them with Your wisdom and strength. Guide them as they lead us and unite them together as one voice for what is best for our state and its people. Give them courage, vision, wisdom, and truth. Father we pray these things in the name of Your Son Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:44 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 12, 162, 168, 181, 241, 286, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 7, 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 Health and Human Services, to which was referred Senate Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 39, 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 Senate Bill No. 53, 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 Senate Bill No. 54, 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 Senate Bill No. 129, 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 Senate Bill No. 176, 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 Senate Bill No. 197, 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 Senate Bill No. 245, 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 Senate Bill No. 264, 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 Senate Bill No. 294, 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 Senate Bill No. 306, 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 Senate Bill No. 56, 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 Judiciary, to which was referred Senate Bill No. 59, 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 Judiciary, to which was referred Senate Bill No. 138, 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 Judiciary, to which was referred Senate Bill No. 174, 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 Judiciary, to which was referred Senate Bill No. 192, 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 Judiciary, to which was referred Senate Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 199, 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 Ways and Means, to which was rereferred Assembly Bill No. 234, 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 Ways and Means, to which were referred Senate Bills Nos. 429, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 20, 66, 214, 379, 380; Assembly Joint Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 8, Amendment No. 671, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 113, Amendment No. 709, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 138, Amendment No. 670, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 191, Amendment No. 686, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 364, Amendment No. 765, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 492.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 183 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 334 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 4 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 419 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 62 and 394 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 492.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 818.

AN ACT relating to ~~trapping; providing exemptions from certain registration requirements for a trap, snare or similar device~~ **wildlife; authorizing certain traps, snares or similar devices** used in the trapping of wild mammals ~~(on private property)~~ **to be registered with the Department of Wildlife**; limiting the requirement to obtain a permit to take or kill fur-bearing mammals injuring property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that each trap, snare or similar device used in the taking of wild mammals must be registered with the Department of Wildlife before it is used. Existing law also requires that each registered trap, snare or similar device bear a number which is assigned by the Department and is

affixed to or marked on the trap, snare or similar device. (NRS 503.452) **Section 1** of this bill ~~[exempts from those requirements]~~ **authorizes rather than requires the registration of a trap, snare or similar device used by a person in the taking of wild mammals. Section 1 provides that a trap, snare or similar device must bear a number assigned by the Department only if the trap, snare or similar device is registered with the Department. Section 1 also provides that the provisions relating to the registration and numbering of a trap, snare or similar device do not apply to such a device that is used:** (1) exclusively on private property by the owner or occupant of the property or with the permission of the owner or occupant; (2) for the control of rodents by an institution of the Nevada System of Higher Education; ~~for~~ (3) by a federal, state or local governmental agency ~~for~~ ; **or (4) for the taking of wild mammals for scientific or educational purposes under a permit issued by the Department.**

Existing law provides that fur-bearing mammals injuring property may be taken or killed at any time in any manner if a permit is obtained from the Department. (NRS 503.470) **Section 2** of this bill removes the requirement that the owner or occupant of the property obtain a permit in such circumstances.

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

Section 1. NRS 503.452 is hereby amended to read as follows:

503.452 1. ~~[Each]~~ **Except as otherwise provided in subsection 2, each** trap, snare or similar device used **by a person** in the taking of wild mammals ~~[must]~~ **may** be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.

2. **The provisions of subsection 1 do not apply to a trap, snare or similar device used:**

(a) **Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;**

(b) **For the control of rodents by an institution of the Nevada System of Higher Education; ~~for~~**

(c) **By any federal, state or local governmental agency ~~for~~ ; or**

(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

3. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.

~~{3-}~~ 4. It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

~~{4-}~~ 5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~{5-}~~ 6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

Sec. 2. NRS 503.470 is hereby amended to read as follows:

503.470 1. Fur-bearing mammals injuring any property may be taken or killed at any time in any manner ~~provided a permit is first obtained from the Department.~~ **by the owner or occupant of the property or with the permission of the owner or occupant.**

2. When the Department has determined from investigations or upon a petition signed by the owners of 25 percent of the land area in any irrigation district or the area served by a ditch company alleging that an excessive population of beaver or otter exists or that beaver or otter are doing damage to lands, streams, ditches, roads or water control structures, the Department shall remove such excess or depredating beaver or otter.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 818 makes the registration of traps with the Department of Wildlife optional. It also limits one of the exclusions from trap registration to taking mammals for a scientific or educational purposes pursuant to permits issued by the Department of Wildlife.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Senate Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 795.

AN ACT relating to elections; **revising provisions governing elections for certain judicial offices;** providing that ~~if a candidate~~ **candidates** for **certain nonpartisan offices** who ~~receives~~ **receive** a majority of the votes cast in ~~a primary election or~~ **certain primary** ~~city~~ elections must be declared ~~the winner and not be~~ **elected to office without being** placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing **law designates certain elective offices as nonpartisan offices, which include judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, city and town officers, the State Board of Education and members of boards of hospital trustees of public hospitals. (NRS 293.195) Existing law also establishes certain rules for determining whether candidates for nonpartisan offices appear on the ballot for a primary election or the general election. (NRS 293.260) This bill revises some of those rules.**

Under existing law, if there is only one candidate for the nonpartisan office of judge of the Court of Appeals or justice of the Supreme Court, the name of the candidate is omitted from the primary election ballot and placed only on the general election ballot. (NRS 293.260) Section 1 of this bill applies the same rule to a candidate for the nonpartisan office of judge of a district court. Section 1 also provides that if there are not more than twice the number of candidates to be elected to any nonpartisan office, the names of the candidates are omitted from the primary election ballot and placed only on the general election ballot.

Except for nonpartisan offices in certain cities, existing law provides that if there are more ~~than~~ twice the number of candidates to be elected to a nonpartisan office : ~~for other than a city office;~~ (1) the names of the candidates must appear on the **primary election ballot ; ~~for a primary election;~~ and (2) those candidates who receive the highest number of votes at ~~that~~ **the primary** election, not to exceed twice the number to be elected, must be declared nominees for the office ~~for~~ **and their names must be placed on the general election ballot.** (NRS 293.260) **Section 1 of this bill modifies this rule for most nonpartisan offices and** provides that if one candidate receives a majority of the votes cast in ~~the~~ **such a** primary election, ~~for the office for which he or she is a candidate,~~ the candidate ~~must be~~ **is** declared elected to the office and his or her name ~~must be~~ **is not** placed on the **general election** ballot. ~~for~~ **However, if one candidate receives a majority****

of the votes cast in such a primary election for the nonpartisan office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate is declared the only nominee for the office and his or her name is placed on the general election ~~ballot~~ ballot.

For primary city elections conducted in certain general law cities, existing law provides that if one candidate receives “more than a majority” of the votes cast in such an election for the office for which he or she is a candidate, the candidate must be declared to be elected to the office and the candidate’s name must not be placed on the ballot for the general city election. (NRS 293C.175) **Section 2** of this bill amends the statute to clarify that such a candidate need only receive a majority of the votes cast, not some greater number, to be declared to be elected. **Section 3** of this bill makes a similar change to the Charter of Carson City.

For most charter cities that hold primary city elections, existing law provides that if one candidate receives a majority of votes cast in the primary city election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate’s name must not be placed on the ballot for the general city election. (Boulder City Charter § 96, Henderson City Charter § 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020) **Section 3** amends the Charter of Carson City so that this rule applies to Carson City as well.

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

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. ~~Where~~ **If** there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that

party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

(b) If there are ~~no~~ **not** more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. ~~Where no~~ **If not** more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office ~~is~~ **or** the office of **judge of a district court**, judge of the Court of Appeals or ~~the office of~~ justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for ~~is~~ **the** general election;

(b) Any nonpartisan office, other than the office of **judge of a district court**, **judge of the Court of Appeals**, justice of the Supreme Court ~~is~~ **office of judge of the Court of Appeals or ~~the office of~~ member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and**

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. **If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.**

7. If there are more ~~candidates~~ than twice the number **of candidates** to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. ~~Those~~ **Those** ~~{Except as otherwise provided in this subsection, those}~~ candidates who receive the highest number of votes at ~~that~~ **the primary** election, not to exceed twice the number to be elected, must be declared nominees for the office ~~is~~ **If one candidate** **and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for that office:**

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only

nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

Sec. 2. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of population category one or two, one candidate receives ~~more than~~ a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 3. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives ~~more than~~ a majority of votes cast in that election for the office for which he or she is a candidate, ~~this or her name alone must be placed on the ballot for the general election.~~ ***the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.*** If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 795 makes two changes. When only the number of candidates to be elected have filed for nomination for certain nonpartisan offices, the names must be omitted from the primary election ballot and placed on the general election ballot. If one candidate for judge of a district court receives a majority of the votes cast in the primary election, the candidate must be declared the nominee and only his or her name must be placed on the ballot for the general election.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 33.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 722.

AN ACT relating to contractors; deleting the requirement that the State Contractors' Board establish an advisory committee concerning the classification of licensure of persons who install or maintain building shell insulation or thermal system insulation; revising the circumstances under which a natural person may qualify on behalf of another for more than one

active contractor's license; requiring such a person to possess good character; expanding the acts which constitute cause for disciplinary action against a licensee to include certain international codes; expanding the circumstances under which an injured person is not eligible for recovery from the Recovery Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the State Contractors' Board establish an advisory committee to make recommendations to the Board concerning the licensure of persons who install and maintain building shell or thermal system installation. (NRS 624.100) **Section 1** of this bill deletes this requirement.

Existing law requires an applicant for a license as a contractor to demonstrate certain experience or knowledge. Existing law also provides that an applicant may qualify in regard to such knowledge and experience by the appearance of another person on behalf of the applicant. (NRS 624.260) **Section 2** of this bill authorizes the Board to inquire into and consider that other person's previous experience and certain legal actions against them. **Section 2 also allows a natural person to qualify on behalf of more than one licensee if the licensee is a corporation for public benefit.**

Existing law requires that the Board establish the financial responsibility of an applicant or licensee seeking renewal. (NRS 624.236) **Section 3** of this bill allows the Board to inquire into and consider the financial responsibility of a person who qualifies on behalf of the applicant or licensee in making a determination of financial responsibility. Existing law requires that the Board establish the good character of an applicant or licensee seeking renewal. (NRS 624.265) **Section 4** of this bill allows the Board to request certain information from any person who qualifies on behalf of an applicant or licensee in making a determination of good character.

Existing law provides that workmanship by a licensee that is not commensurate with certain codified standards is grounds for disciplinary action. (NRS 624.3017) **Section 5** of this bill adds certain international building codes to those standards.

Existing law provides that, subject to certain exceptions, certain persons who suffer actual damages as a result of the acts or omissions of a licensee may be eligible to recover damages from the Recovery Fund maintained by the Board. (NRS 624.510) **Section 6** of this bill adds certain exceptions to the eligibility to recover from the Recovery Fund.

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

Section 1. NRS 624.100 is hereby amended to read as follows:

624.100 1. The Board may appoint such committees and make such reasonable bylaws, rules of procedure and regulations as are necessary to carry out the provisions of this chapter.

2. ~~Except as otherwise provided in subsection 3, the~~ **The** Board may establish advisory committees composed of its members or employees,

homeowners, contractors or other qualified persons to provide assistance with respect to fraud in construction, or in any other area that the Board considers necessary.

~~3. [The Board shall establish an advisory committee to make recommendations to the Board concerning the classification of licensure of persons who install or maintain building shell insulation or thermal system insulation, including, without limitation, recommendations relating to training and continuing education.]~~

~~4.]~~ If an advisory committee is established, the Board shall:

(a) Select five members for the committee from a list of volunteers approved by the Board; and

(b) Adopt rules of procedure for informal conferences of the committee.

~~{5.]~~ 4. If an advisory committee is established, the members:

(a) Serve at the pleasure of the Board.

(b) Serve without compensation, but must be reimbursed for travel expenses necessarily incurred in the performance of their duties. The rate must not exceed the rate provided for state officers and employees generally.

(c) Shall provide a written summary report to the Board, within 15 days after the final informal conference of the committee, that includes recommendations with respect to actions that are necessary to reduce and prevent the occurrence of fraud in construction, or on such other issues as requested by the Board.

~~{6.]~~ 5. The Board is not bound by any recommendation made by an advisory committee.

~~{7.]~~ As used in this section:

~~—(a) “Building shell insulation” means a product that is used as part of the building which insulates a boundary between indoor and outdoor space or conditioned and unconditioned space, including, without limitation, walls, ceilings or floors.~~

~~—(b) “Thermal system insulation” means a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including, without limitation, a pipe, duct, valve, boiler, flue or tank, or equipment on or in a building.]~~

Sec. 2. NRS 624.260 is hereby amended to read as follows:

624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.

2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:

(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.

(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

↪ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and

(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.

4. ***If, pursuant to subsection 2, an applicant or licensee intends to qualify by the appearance of another person, the Board may inquire into and consider any previous business experience of, and any prior and pending lawsuits, liens and judgments against, the other person.***

5. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which the person qualifies; ~~for~~

(b) One licensee owns at least 25 percent of the other licensee. ~~for~~ ***or***

(c) One licensee is a corporation for public benefit as defined in NRS 82.021.

~~{5-}~~ 6. Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

~~{6-}~~ 7. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the

applicant is applying for licensure, the experience required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.

~~{7.}~~ **8.** As used in this section, “journeyman” means a person who:

(a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or

(b) Has successfully completed:

(1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or

(2) An equivalent program accepted by the Board.

Sec. 3. NRS 624.263 is hereby amended to read as follows:

624.263 1. The financial responsibility of a licensee or an applicant for a contractor’s license must be established independently of and without reliance on any assets or guarantees of any owners or managing officers of the licensee or applicant ~~{1}~~ **or any person who qualifies on behalf of the licensee or applicant pursuant to subsection 2 of NRS 624.260**, but the financial responsibility of ~~any owners or managing officers of the licensee or applicant~~ **the following persons** may be inquired into and considered as a criterion in determining the financial responsibility of the licensee or applicant ~~{1}~~:

(a) Any owner of the licensee or applicant;

(b) Any managing officer of the licensee or applicant; or

(c) Any person who qualifies on behalf of the licensee or applicant pursuant to subsection 2 of NRS 624.260.

2. The financial responsibility of an applicant for a contractor’s license or of a licensed contractor may be determined by using the following standards and criteria in connection with each applicant or contractor and each associate or partner thereof:

(a) Amount of net worth.

(b) Amount of liquid assets.

(c) Amount of current assets.

(d) Amount of current liabilities.

(e) Amount of working capital.

(f) Ratio of current assets to current liabilities.

(g) Fulfillment of bonding requirements pursuant to NRS 624.270.

(h) Prior payment and credit records.

(i) Previous business experience.

(j) Prior and pending lawsuits.

(k) Prior and pending liens.

(l) Adverse judgments.

(m) Conviction of a felony or crime involving moral turpitude.

(n) Prior suspension or revocation of a contractor’s license in Nevada or elsewhere.

(o) An adjudication of bankruptcy or any other proceeding under the federal bankruptcy laws, including:

- (1) A composition, arrangement or reorganization proceeding;
- (2) The appointment of a receiver of the property of the applicant or contractor or any officer, director, associate or partner thereof under the laws of this State or the United States; or
- (3) The making of an assignment for the benefit of creditors.
- (p) Form of business organization, corporate or otherwise.
- (q) Information obtained from confidential financial references and credit reports.
- (r) Reputation for honesty and integrity of the applicant or contractor or any officer, director, associate or partner thereof.

3. A licensed contractor shall, as soon as it is reasonably practicable, notify the Board in writing upon the filing of a petition or application relating to the contractor that initiates any proceeding, appointment or assignment set forth in paragraph (o) of subsection 2. The written notice must be accompanied by:

- (a) A copy of the petition or application filed with the court; and
- (b) A copy of any order of the court which is relevant to the financial responsibility of the contractor, including any order appointing a trustee, receiver or assignee.

4. Before issuing a license to an applicant who will engage in residential construction or renewing the license of a contractor who engages in residential construction, the Board may require the applicant or licensee to establish financial responsibility by submitting to the Board:

- (a) A financial statement that is:
 - (1) Prepared by a certified public accountant; or
 - (2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and
- (b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.

5. In addition to the requirements set forth in subsection 4, the Board may require a licensee to establish financial responsibility at any time.

6. An applicant for an initial contractor's license or a licensee applying for the renewal of a contractor's license has the burden of demonstrating financial responsibility to the Board, if the Board requests the applicant or licensee to do so.

Sec. 4. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor, ~~and~~ each officer, director, partner and associate thereof, **and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260** must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, ~~for~~ any officer, director, partner or associate thereof, **or any person who qualifies on behalf of the applicant** has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, ~~and~~ any officer, director, partner or associate of the applicant ~~and~~ **and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260** must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty and guilty but mentally ill pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➔ for the investigation of a licensee or an applicant for a contractor's license.

Sec. 5. NRS 624.3017 is hereby amended to read as follows:

624.3017 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed. If no applicable building or construction code has been adopted locally, then workmanship must meet the standards prescribed in the ~~[Uniform Building Code,]~~ Uniform Plumbing Code, ~~for~~ National Electrical Code, **International Building Code or International Residential Code** in the form of the code most recently approved by the Board. The Board shall review each edition of the ~~[Uniform Building Code,]~~ Uniform Plumbing Code, ~~for~~ National Electrical Code, **International Building Code or International Residential Code** that is published after the 1996 edition to ensure its suitability. Each new edition of the code shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days of the publication of the code.

2. Advertising projects of construction without including in the advertisements the name and license number of the licensed contractor who is responsible for the construction.

3. Advertising projects of construction beyond the scope of the license.

Sec. 6. NRS 624.510 is hereby amended to read as follows:

624.510 1. Except as otherwise provided in NRS 624.490 and subsection 2, an injured person is eligible for recovery from the account if the Board or its designee finds that the injured person suffered actual damages as a result of an act or omission of a residential contractor that is in violation of this chapter or the regulations adopted pursuant thereto.

2. An injured person is not eligible for recovery from the account if:

(a) The injured person is ~~the spouse of~~ **cohabitating with the licensee, is related to the licensee by marriage ~~the licensee,~~ or by blood in the first or second degree of consanguinity, or is a personal representative of ~~the spouse of~~ a person cohabitating with the licensee or related to the licensee by marriage ~~the licensee,~~ or by blood in the first or second degree of consanguinity;**

(b) The injured person was associated in a business relationship with the licensee other than the contract at issue; ~~for~~

(c) At the time of contracting with the residential contractor, the license of the residential contractor was suspended or revoked pursuant to NRS 624.300 ~~to~~;

(d) *The injured person:*

(1) *Applied for and obtained any building permit for the single-family residence at which the act or omission occurred and for which the injured person wishes to recover actual damages from the account; or*

(2) *Constructed the residence as the owner-builder of the residence;*

(e) *The claim submitted by the injured person for recovery from the account contains:*

(1) *A false or misleading statement; or*

(2) A forged or altered receipt or other document which includes an improvement, upgrade or work that exceeds the scope of the contract at issue;

(f) The injured person is a lien claimant who has not filed a lien in accordance with the provisions of NRS 108.221 to 108.246, inclusive; or

(g) The single-family residence at which the act or omission occurred and for which the injured person wishes to recover actual damages from the account was constructed, remodeled, repaired or improved with the intent of renting, leasing or selling the residence within 1 year after the date of completion of the construction, remodeling, repair or improvement. The offering of the residence for rent, lease or sale within 1 year after that date creates a rebuttable presumption that the construction, remodeling, repair or improvement was performed with the intent to rent, lease or sell the residence.

3. If the Board or its designee determines that an injured person is eligible for recovery from the account pursuant to this section or NRS 624.490, the Board or its designee may pay out of the account:

(a) The amount of actual damages suffered, but not to exceed \$35,000; or

(b) If a judgment was obtained as set forth in NRS 624.490, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed \$35,000.

4. The decision of the Board or its designee regarding eligibility for recovery and all related issues is final and not subject to judicial review.

5. If the injured person has recovered a portion of his or her loss from sources other than the account, the Board shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

6. To the extent of payments made from the account, the Board is subrogated to the rights of the injured person, including, without limitation, the right to collect from a surety bond or a cash bond. The Board and the Attorney General shall promptly enforce all subrogation claims.

7. The amount of recovery from the account based upon claims made against any single contractor must not exceed \$400,000.

8. As used in this section, "actual damages" includes attorney's fees or costs in contested cases appealed to the appellate court of competent jurisdiction. The term does not include any other attorney's fees or costs.

Sec. 7. 1. This section and section 1 of this act become effective upon passage and approval.

2. Sections 2 to 6, inclusive, of this act become effective on October 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 725.

SUMMARY—Includes certain alcohol and drug abuse counselors, problem gambling counselors, ~~and~~ social workers **and medical facilities** in the definition of “provider of health care” for purposes of various provisions relating to healing arts and certain other provisions. (BDR 54-389)

AN ACT relating to health care providers; including certain alcohol and drug abuse counselors, problem gambling counselors, ~~and~~ social workers **and medical facilities** in the definition of “provider of health care” for purposes of various provisions relating to healing arts and certain other provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “provider of health care” as used in various provisions relating to healing arts to mean a licensed physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, occupational therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, music therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine, medical laboratory director or technician, pharmacist, licensed dietitian or licensed hospital as the employer of such a person. (NRS 629.031) **Existing law also defines the term “medical facility” to include certain centers, clinics and facilities, including facilities for skilled nursing and hospitals. (NRS 449.0151)**

This bill expands ~~that~~ **the definition of “provider of health care” to include : (1) an associate in social work, a social worker, an independent social worker or a clinical social worker who is licensed pursuant to chapter 641B of NRS, an alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS and an alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to that chapter ~~and~~ ; and (2) a medical facility as the employer of any of those persons.**

Adding those persons **and medical facilities** to the list of providers of health care makes certain requirements that are currently applicable to other providers of health care applicable to those persons **and medical facilities** as well. Such requirements include, without limitation, retention of patient records,

requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078)

Existing law also includes the definition of “provider of health care” by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include associates in social work, social workers, independent social workers, clinical social workers, alcohol and drug abuse counselors, ~~and~~ problem gambling counselors **and medical facilities as employers of those persons** as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

“Medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, words and terms defined in NRS 629.021 and 629.031 **and section 1 of this act** have the meanings ascribed to them in those sections.

~~{Section 1.}~~ **Sec. 3. NRS 629.031 is hereby amended to read as follows:**

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means ~~the~~ :

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~the~~;
- (b) A physician assistant ~~the~~;
- (c) A dentist ~~the~~;
- (d) A licensed nurse ~~the~~;
- (e) A dispensing optician ~~the~~;
- (f) An optometrist ~~the~~;
- (g) A practitioner of respiratory care ~~the~~;
- (h) A registered physical therapist ~~the~~;
- (i) An occupational therapist ~~the~~;
- (j) A podiatric physician ~~the~~;
- (k) A licensed psychologist ~~the~~;
- (l) A licensed marriage and family therapist ~~the~~;
- (m) A licensed clinical professional counselor ~~the~~;

- (n) A music therapist ~~§~~;
- (o) A chiropractor ~~§~~;
- (p) An athletic trainer ~~§~~;
- (q) A perfusionist ~~§~~;
- (r) A doctor of Oriental medicine in any form ~~§~~;
- (s) A medical laboratory director or technician ~~§~~;
- (t) A pharmacist ~~§~~;
- (u) A licensed dietitian ~~for a~~;
- (v) *An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;*
- (w) *An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;*
- (x) *An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or*
- (y) A ~~licensed hospital~~ medical facility as the employer of any ~~such~~ person ~~§~~ *specified in this subsection.*

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

- (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
- (b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

- (a) Authorized or required pursuant to NRS 439.538;
- (b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;
- (c) Authorized pursuant to an order of a court of competent jurisdiction; or
- (d) Necessary for a medical facility ~~as defined in NRS 449.0151~~ to maintain a medical record of the person.

2. A person who has authorized another person to retain his or her genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

- (a) Authorized or required pursuant to NRS 439.538;
- (b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;
- (c) Authorized by an order of a court of competent jurisdiction;

(d) Necessary for a medical facility ~~as defined in NRS 449.0151~~ to maintain a medical record of the person; or

(e) Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; or

(b) The withdrawal of the person from the study,

→ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his or her withdrawal from the study.

~~{Sec. 2}~~ **Sec. 5.** This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 725 to Senate Bill 84 adds skilled nursing facilities or other medical facilities defined in section 449.0151 of *Nevada Revised Statutes* within the definition of “provider of health care.”

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 820.

AN ACT relating to public safety; 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 vehicles and pedestrians in certain crosswalks and intersections; prohibiting a driver from making a U-turn or passing another vehicle in a school zone or a school crossing zone in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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~~ **may be** subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone ~~that is appropriately marked with signs designating the pedestrian safety zone and providing notice that additional penalties may apply in such a zone.~~ **Such a doubling of the penalty is discretionary with the court.** Sections 2-21 and 23-30 of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle or a pedestrian to obey certain rules at an intersection or crosswalk that is controlled by a traffic light, depending on the particular color and symbol displayed on the traffic light. (NRS 484B.307) **Section 18** of this bill provides such rules for an intersection or crosswalk where the traffic light displays a flashing yellow turn arrow, displayed alone or in combination with another signal.

Existing law provides that certain maximum speed limits are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) **Section 22** of this bill makes it unlawful for a driver to make a U-turn or to overtake and pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect and children are present.

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~~ may 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 discretionary with the court and 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 pedestrian safety 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~~ subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines may apply in pedestrian safety zones; or

(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 ~~if the violation results in injury to any pedestrian in~~ to mark the beginning and end of 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, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and
- (b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 2. 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) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or
 - (b) The living quarters of a house coach or house trailer,
- ↪ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

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. 3. 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. 4. 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, advanced emergency medical technician, paramedic, 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. 5. 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. 6. 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. 7. 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. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. 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.

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. 14. 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 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 a pedestrian crossing the highway within a crosswalk when the pedestrian is upon 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.

(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.

(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” 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. 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.

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.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-}~~ (c) 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-}~~ (d) A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~{5-}~~ (e) 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.

Sec. 16. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. Except as otherwise provided in NRS 484B.307, 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. 17. 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. 18. 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 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 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 pedestrians lawfully within an adjacent crosswalk and 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 pedestrians lawfully within the adjacent crosswalk and 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 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 yield the right-of-way to 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 otherwise provided in paragraphs (c) and (d), 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 pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) 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.

~~18.1~~ 9. Where the signal is a steady red with a green turn arrow:

(a) Except as otherwise provided in paragraph (b), 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 pedestrians lawfully within an adjacent crosswalk and 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) A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:

(1) The person stops 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, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) 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 person violates paragraph (d) of subsection ~~{7-}~~ **8** or paragraph (b) of subsection ~~{8-}~~ **9** and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

~~{10-}~~ **11.** 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.

~~{11-}~~ **12.** 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.

~~{12-}~~ **13.** 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.

14. 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. 19. 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. 20. 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 the level of medical care provided by an advanced emergency medical technician or paramedic 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. 21. 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. 22. 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) When there are no children present;***
- (b) On a day on which school is not in session;***
- (c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;***
- (d) 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***
- (e) 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 the 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 designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

~~{5-}~~ 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. 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-}~~ 9. 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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 , ~~for~~ 2 or 3 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.

(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. 28. 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. 29. 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:

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 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. 30. 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.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblymen Wheeler and Elliot Anderson.

ASSEMBLYMAN WHEELER:

Amendment 820 makes two changes to Senate Bill 144. It makes the additional penalty for committing certain traffic violations in a pedestrian safety zone discretionary instead of mandatory. It also provides that if signs are not erected providing notice of the higher fines in the pedestrian safety zone and marking the beginning and end of the pedestrian safety zone, then a person is not subject to the additional penalty for committing certain traffic violations in a pedestrian safety zone.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from the Transportation Committee. Do you know how large the signs would have to be to provide notice?

ASSEMBLYMAN WHEELER:

To my colleague, no. The size of the signs was never discussed.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 808.

AN ACT relating to motor vehicles; changing the word “accident” to “crash” in reference to motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law includes references to motor vehicle “accidents” in many sections, including, without limitation, sections dealing with the reporting of accidents, the investigation of an accident by certain law enforcement officers, the preparation of accident reports, the obligations of a party to an accident, the obligations of a garage or repair shop to the owner of a motor vehicle that has been involved in an accident, the requirements for the maintenance of liability insurance by the owner or operator of a motor vehicle, ~~the obligations and duties resulting from a watercraft accident,~~ the obligations of certain motor carriers involved in an accident, and the obligations of the operator of a tow car upon towing a motor vehicle involved in an accident. (NRS 480.360, 483.400, 484A.710, 484E.050, 484E.070, 484E.100, 485.185, 706.251, 706.4479) This bill changes the word “accident” in such sections to “crash.” In those sections of existing law where the term “accident” is intended to include both a motor vehicle crash and an accidental incident of some other

type, the word “accident” is amended by adding “and motor vehicle crash” or “and crash.” **Section 131.3 of this bill clarifies that, for the purposes of the Nevada Insurance Code, the term “crash” has the same meaning as previous uses of the term “accident,” when used in reference to motor vehicles. Section 150.5 of this bill provides that the amendatory provisions of this bill shall be construed as nonsubstantive and that it is not the intent of the Nevada Legislature to modify any existing application, construction or interpretation of any statute which has been so amended.**

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

Section 1. NRS 480.360 is hereby amended to read as follows:

480.360 The duties of the personnel of the Nevada Highway Patrol include, without limitation:

1. To police the public highways of this State, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this State when:

- (a) In the apprehension or pursuit of an offender or suspected offender;
- (b) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this State; or
- (c) Making arrests pursuant to a warrant in the officer’s possession or communicated to the officer.

2. To investigate ~~accidents~~ **crashes** on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such ~~an accident~~ **a crash**.

3. In conjunction with the Department of Motor Vehicles, to enforce the provisions of chapters 365, 366, 408, 482 to 486, inclusive, 487 and 706 of NRS.

4. To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.

5. To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.

6. To perform such other duties in connection with those specified in this section as may be imposed by the Director.

Sec. 2. NRS 480.600 is hereby amended to read as follows:

480.600 The Nevada Highway Patrol and the Investigation Division of the Department shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~an accident~~ **a crash**, or the person’s legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, legal representative or insurer, as applicable, with a copy of the ~~accident~~ **crash** report and all

statements by witnesses and photographs in the possession or under the control of the Nevada Highway Patrol or the Investigation Division that concern the ~~{accident,}~~ **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or
2. The ~~{accident}~~ **crash** involved:
 - (a) The death or substantial bodily harm of a person;
 - (b) Failure to stop at the scene of ~~{an accident,}~~ **a crash**; or
 - (c) The commission of a felony.

Sec. 3. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➡ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that

the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➔ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to

any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

11. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

12. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

13. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular ~~accidents~~ **crashes** or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 4. NRS 482.276 is hereby amended to read as follows:

482.276 Notwithstanding any provision of this chapter to the contrary:

1. Any agricultural user who wishes to obtain a license plate and decal to operate a farm tractor or self-propelled implement of husbandry on the highways of this State may submit an application to the Motor Carrier Division of the Department. Each application must be made upon the appropriate form furnished by the Department. The application must include a nonrefundable fee of \$20.50 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance which provides at least \$300,000 in coverage for bodily injury and property damage resulting from any single ~~accident~~ **crash** caused by the agricultural user while operating the farm tractor or self-propelled implement of husbandry. As soon as practicable after receiving the application, fee and evidence of insurance, the Department shall issue the license plate and decal to the agricultural user to affix to the farm tractor or self-propelled implement of husbandry. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal. The license plate and decal are not transferable and must be surrendered or returned to the Department within 60 days after:

(a) A transfer of ownership or interest in the farm tractor or self-propelled implement of husbandry occurs; or

(b) The decal expires pursuant to this subsection and the agricultural user fails to submit an application for renewal pursuant to subsection 2.

2. An application for the renewal of a license plate and decal issued pursuant to subsection 1 must be made upon the appropriate form furnished by the Department. The application for renewal must include a nonrefundable fee of \$10 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance specified in subsection 1. As soon as practicable after receiving the application for renewal, fee and evidence of insurance, the Department shall issue a new decal to affix to the license plate. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal.

3. A license plate issued pursuant to subsection 1 must be displayed on the farm tractor or self-propelled implement of husbandry in such a manner that the license plate is easily visible from the rear of the farm tractor or self-propelled implement of husbandry. If the license plate is lost or destroyed, the Department may issue a replacement plate upon the payment of a fee of 50 cents. If the decal is lost or destroyed, the Department may, upon the payment of the fee specified in subsection 2, issue a replacement decal for the farm tractor or self-propelled implement of husbandry.

4. Notwithstanding any provision of chapter 445B of NRS to the contrary, an agricultural user is not required to obtain a certificate of compliance or vehicle inspection report concerning the control of emissions from a farm tractor or self-propelled implement of husbandry before obtaining a license plate and decal for or operating the farm tractor or self-propelled implement of husbandry pursuant to this section.

5. As used in this section, “agricultural user” means any person who owns or operates a farm tractor or self-propelled implement of husbandry specified

in subsection 1 for an agricultural use. As used in this subsection, “agricultural use” has the meaning ascribed to it in NRS 361A.030.

Sec. 5. NRS 482.305 is hereby amended to read as follows:

482.305 1. The short-term lessor of a motor vehicle who permits the short-term lessee to operate the vehicle upon the highways, and who has not complied with NRS 482.295 insuring or otherwise covering the short-term lessee against liability arising out of his or her negligence in the operation of the rented vehicle in limits of not less than \$15,000 for any one person injured or killed and \$30,000 for any number more than one, injured or killed in any one ~~accident,~~ **crash**, and against liability of the short-term lessee for property damage in the limit of not less than \$10,000 for one ~~accident,~~ **crash**, is jointly and severally liable with the short-term lessee for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the short-term lessee, except that the foregoing provisions do not confer any right of action upon any passenger in the rented vehicle against the short-term lessor. This section does not prevent the introduction as a defense of contributory negligence to the extent to which this defense is allowed in other cases.

2. The policy of insurance, surety bond or deposit of cash or securities inures to the benefit of any person operating the vehicle by or with the permission of the short-term lessee in the same manner, under the same conditions and to the same extent as to the short-term lessee.

3. The insurance policy, surety bond or deposit of cash or securities need not cover any liability incurred by the short-term lessee of any vehicle to any passenger in the vehicle; but the short-term lessor before delivering the vehicle shall give to the short-term lessee a written notice of the fact that such a policy, bond or deposit does not cover the liability which the short-term lessee may incur on account of his or her negligence in the operation of the vehicle to any passenger in the vehicle.

4. When any suit or action is brought against the short-term lessor under this section, the judge before whom the case is pending shall hold a preliminary hearing in the absence of the jury to determine whether the short-term lessor has provided insurance or a surety bond or deposit of cash or securities covering the short-term lessee as required by subsection 1. Whenever it appears that the short-term lessor has provided insurance or a surety bond or deposit of cash or securities covering the short-term lessee in the required amount, the judge shall dismiss as to the short-term lessor the action brought under this section.

Sec. 6. NRS 482.31525 is hereby amended to read as follows:

482.31525 “Estimated time for replacement” means the number of hours of labor, or a fraction thereof, needed to replace the damaged parts of a passenger car as set forth in a guide for estimating damage caused by a ~~collision~~ **crash** generally used in the business of repair of cars and commonly known as a “crash book.”

Sec. 7. NRS 482.31535 is hereby amended to read as follows:

482.31535 1. Except as otherwise provided in NRS 482.3154, a short-term lessor and a short-term lessee of a passenger car may agree that the lessee will be responsible for:

(a) Physical damage to the car, up to and including its fair market value, regardless of the cause of the damage.

(b) Mechanical damage to the car, up to and including its fair market value, resulting from:

(1) A ~~collision;~~ **crash;**

(2) An impact; or

(3) Any other type of incident,

↪ that is caused by a deliberate or negligent act or omission on the part of the lessee.

(c) Loss resulting from theft of the car, up to and including its fair market value, except that the lessee is presumed to have no liability for any loss resulting from theft if an authorized driver:

(1) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and

(2) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency in providing information concerning the theft.

↪ The lessor may rebut the presumption set forth in this paragraph by establishing that an authorized driver committed or aided and abetted the commission of the theft.

(d) Physical damage to the car, up to and including its fair market value, resulting from vandalism occurring after or in connection with the theft of the car, except that the lessee has no liability for any damage resulting from vandalism if the lessee has no liability for theft pursuant to paragraph (c).

(e) Physical damage to the car and loss of use of the car, up to \$2,500, resulting from vandalism not related to the theft of the car and not caused by the lessee.

(f) Loss of use of the car if the lessee is liable for damage or loss.

(g) Actual charges for towing and storage and impound fees paid by the lessor if the lessee is liable for damage or loss.

(h) An administrative charge that includes the cost of appraisal and other costs incident to the damage, loss, loss of use, repair or replacement of the car.

2. For the purposes of this section, the fair market value must be determined in the customary market for the sale of the leased passenger car.

Sec. 8. NRS 482.3154 is hereby amended to read as follows:

482.3154 1. The total amount of the short-term lessee's liability to the short-term lessor resulting from damage to a leased passenger car must not exceed the sum of the following:

(a) The estimated cost for parts that the short-term lessor would have to pay to replace damaged parts. Any discount, price reduction or adjustment received by the lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the short-term lessee.

(b) The estimated cost of labor to replace damaged parts of the passenger car, which must not exceed the product of:

(1) The rate of labor usually paid by the lessor to replace parts of the type that were damaged; and

(2) The estimated time for replacement.

➡ Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.

(c) The estimated cost of labor to repair damaged parts of the passenger car, which must not exceed the lesser of:

(1) The product of the rate for labor usually paid by the short-term lessor to repair parts of the type that were damaged and the estimated time for repair; or

(2) The sum of the costs for estimated labor and parts determined pursuant to paragraphs (a) and (b) to replace the same parts.

➡ Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.

(d) Except as otherwise provided in subsection 2, the loss of use of the leased passenger car, which must not exceed the product of:

(1) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and

(2) The total of the estimated time for replacement and the estimated time for repair. For the purpose of converting the estimated time for repair into the same unit of time in which the rate of the lease is expressed, a day shall be deemed to consist of 8 hours.

(e) Actual charges for towing and storage and impound fees paid by the short-term lessor.

2. Under any of the circumstances described in NRS 482.31555, the short-term lessor's loss of use of the passenger car must not exceed the product of:

(a) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and

(b) The period from the date of ~~an accident~~ **a crash** to the date the car is ready to be returned to service if the lessor uses his or her best efforts to repair and return the car to service as soon as practicable.

3. An administrative charge pursuant to paragraph (h) of subsection 1 of NRS 482.31535 must not exceed:

(a) Fifty dollars if the total estimated cost for parts and labor is more than \$100 and less than or equal to \$500.

(b) One hundred dollars if the total estimated cost for parts and labor is more than \$500 and less than or equal to \$1,500.

(c) One hundred and fifty dollars if the total estimated cost for parts and labor is more than \$1,500.

➡ No administrative charge may be imposed if the total estimated cost of parts and labor is \$100 or less.

Sec. 9. NRS 482.380 is hereby amended to read as follows:

482.380 1. The Department may issue special motor vehicle license plates from year to year to a person who has resided in the State of Nevada for a period of 6 months preceding the date of application for the license plates and who owns a motor vehicle which is a model manufactured during or before 1915.

2. To administer the provisions of this section, the Department may recognize the Horseless Carriage Club of Nevada as presently constituted as the official Horseless Carriage Club of Nevada and to designate and appoint one member of the Board of Directors of the Horseless Carriage Club of Nevada to act as and be an ex officio deputy of the Department and to perform the duties and functions prescribed by this section without compensation, per diem allowance or travel expenses.

3. An applicant for license plates pursuant to the provisions of this section must:

(a) Fill out and sign an application for license plates on a form prescribed and furnished by the ex officio deputy for licensing antique motor vehicles.

(b) Present evidence of the applicant's eligibility for license plates by showing, to the satisfaction of the ex officio deputy, residence in this State for 6 months preceding the date of application and ownership of an antique motor vehicle which is a model manufactured during or before 1915.

(c) Present a certificate of inspection issued by a committee, or member thereof, appointed by the Board of Directors of the Horseless Carriage Club of Nevada verifying that the antique motor vehicle is in safe and satisfactory mechanical condition, is in good condition and state of repair, is well equipped and is covered by a policy of insurance covering public liability and property damage written by an insurance company qualified to do business in this State with limits of not less than \$10,000 for each person nor less than \$20,000 for each ~~accident,~~ **crash**, and not less than \$5,000 for property damage and which otherwise meets the requirements of chapter 485 of NRS.

(d) Exhibit a valid driver's license authorizing the applicant to drive a motor vehicle on the highways of this State.

(e) Pay the fee prescribed by the laws of this State for the operation of a passenger car, without regard to the weight or the capacity for passengers.

(f) Pay such other fee as prescribed by the Board of Directors of the Horseless Carriage Club of Nevada necessary to defray all cost of manufacture, transportation and issuance of the special license plates.

4. The ex officio deputy for licensing antique motor vehicles shall each calendar year issue license plates, approved by the Department, for each motor

vehicle owned by an applicant who meets the requirements of subsection 3, subject to the following conditions:

(a) The license plates must be numbered and issued consecutively each year beginning with "Horseless Carriage 1."

(b) The license plates must conform, as nearly as possible, to the color and type of license plate issued in this State for regular passenger cars.

(c) The special license plates issued pursuant to this section must be specified, procured, transported and issued solely at the expense and cost of the Horseless Carriage Club of Nevada and without any expense to the State of Nevada.

5. The ex officio deputy for licensing antique motor vehicles shall pay quarterly to the Department the prescribed fee as provided in paragraph (e) of subsection 3. The fees so received must be used, disbursed or deposited by the Department in the same manner as provided by law for other fees for registration and licensing. All other fees collected to defray expenses must be retained by the Board of Directors of the Horseless Carriage Club of Nevada.

6. The license plates obtained pursuant to this section are in lieu of the license plates otherwise provided for in this chapter and are valid for the calendar year in which they are issued.

7. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance..... \$35
 (b) For a renewal sticker 10

Sec. 10. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or
 (2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle ~~accident~~ **crash** during the 6 months before applying for the driver's license;

(f) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

Sec. 11. NRS 483.400 is hereby amended to read as follows:

483.400 1. The Department shall maintain files of applications for licenses. Such files shall contain:

(a) All applications denied and on each thereof note the reasons for such denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

2. The Department shall also file all ~~accident~~ **crash** reports and abstracts of court records of convictions received by it under the laws of this State, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic ~~accidents~~ **crashes** in which the licensee was involved shall be readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 12. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➡ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle ~~accident~~ **crash** resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 13. NRS 483.470 is hereby amended to read as follows:

483.470 1. The Department may suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction;

(b) Has been involved as a driver in any ~~accident~~ **crash** resulting in the death or personal injury of another or serious property damage;

(c) Is physically or mentally incompetent to drive a motor vehicle;

(d) Has permitted an unlawful or fraudulent use of his or her license;

(e) Has committed an offense in another state which if committed in this State would be grounds for suspension or revocation; or

(f) Has failed to comply with the conditions of issuance of a restricted license.

2. Upon suspending the license of any person as authorized in this section, the Department shall immediately notify the person in writing, and upon his or her request shall afford the person an opportunity for a hearing as early as practical within 20 days after receipt of the request in the county wherein the person resides unless the person and the Department agree that the hearing may be held in some other county. The Administrator, or an authorized agent

thereof, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee in connection with the hearing. Upon the hearing, the Department shall either rescind its order of suspension or, for good cause, extend the suspension of the license or revoke it.

Sec. 14. NRS 483.740 is hereby amended to read as follows:

483.740 1. A person operating a school for training drivers shall maintain liability insurance on motor vehicles used in driving instruction, insuring the liability of the driving school, the driving instructor and any person taking instruction, in at least the following amounts:

(a) For bodily injury to or death of one person in any one ~~accident,~~ **crash**, \$100,000;

(b) For bodily injury to or death of two or more persons in any one ~~accident,~~ **crash**, \$300,000; and

(c) For damage to property of others in any one ~~accident,~~ **crash**, \$50,000.

2. Evidence of the insurance coverage in the form of a certificate from the insurance carrier must be filed with the Department. The certificate must stipulate that the insurance may not be cancelled except upon 10 days' written notice to the Department.

Sec. 15. NRS 483.900 is hereby amended to read as follows:

483.900 The purposes of NRS 483.900 to 483.940, inclusive, are to implement the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.), and reduce or prevent commercial motor vehicle ~~accidents,~~ **crashes**, fatalities and injuries by:

1. Permitting drivers of commercial motor vehicles to hold only one license;

2. Providing for the disqualification of drivers of commercial motor vehicles who have committed certain serious traffic violations or other specified offenses;

3. Strengthening the licensing and testing standards for drivers of commercial motor vehicles; and

4. Ensuring that drivers of commercial motor vehicles carrying hazardous materials are qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to the transportation of hazardous materials and have the skills and knowledge necessary to respond appropriately to any emergency arising out of the transportation of hazardous materials.

Sec. 16. NRS 484A.210 is hereby amended to read as follows:

484A.210 "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to **the** danger of ~~collision~~ **a crash** unless one grants precedence to the other.

Sec. 17. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to

which the public has a right of access or to which persons have access as invitees or licensees.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

- (a) Governing the registration of vehicles and the licensing of drivers;
- (b) Governing the duties and obligations of persons involved in traffic ~~accidents,~~ **crashes**, other than the duties to stop, render aid and provide necessary information;
- (c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or
- (d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 18. NRS 484A.660 is hereby amended to read as follows:

484A.660 Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, a peace officer at the scene of a traffic ~~accident~~ **crash** may issue a traffic citation, as provided in NRS 484A.630, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the ~~accident~~ **crash** when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the ~~accident.~~ **crash.**

Sec. 19. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484C.110 or 484C.120;
- (c) A violation of NRS 484C.430;
- (d) A violation of NRS 484C.130;
- (e) Failure to stop, give information or render reasonable assistance in the event of ~~an accident~~ **a crash** resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

(f) Failure to stop or give information in the event of ~~an accident~~ **a crash** resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

(g) Reckless driving;

(h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

(i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484A.730.

Sec. 20. NRS 484A.740 is hereby amended to read as follows:

484A.740 1. All of the provisions of chapters 484A to 484E, inclusive, of NRS apply both to residents and nonresidents of this State, except the special provisions in this section, which shall govern in respect to nonresidents.

2. A peace officer at the scene of a traffic ~~accident~~ **crash** may arrest without a warrant any driver of a vehicle who is a nonresident of this State and who is involved in the ~~accident~~ **crash** when, based upon personal investigation, the peace officer has reasonable cause for believing that the person has committed any offense under the provisions of chapters 484A to 484E, inclusive, of NRS in connection with the ~~accident~~ **crash**, and if the peace officer has reasonable cause for believing that the person will disregard a written promise to appear in court.

3. Whenever any person is arrested under the provisions of this section, the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750.

Sec. 21. NRS 484B.290 is hereby amended to read as follows:

484B.290 1. A person who is blind and who is on foot and using a service animal or carrying a cane or walking stick white in color, or white tipped with red, has the right-of-way when entering or when on a highway, street or road of this State. Any driver of a vehicle who approaches or encounters such a person shall yield the right-of-way, come to a full stop, if necessary, and take precautions before proceeding to avoid ~~accident~~ **a crash** or injury to the person.

2. Any person who violates subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.

Sec. 22. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or

person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any police officer finds a vehicle unattended or disabled upon any highway, bridge or causeway, or in any tunnel, where the vehicle constitutes an obstruction to traffic or interferes with the normal flow of traffic, the officer may provide for the immediate removal of the vehicle.

3. Any police officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in ~~an accident~~ **a crash** and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; or

(c) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a police officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the police officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

Sec. 23. NRS 484B.621 is hereby amended to read as follows:

484B.621 1. The State Route 159 Safety Speed Zone is hereby established.

2. Within the State Route 159 Safety Speed Zone, the Department of Transportation, in cooperation with other governmental entities whose jurisdiction includes this area, shall ensure that:

(a) The maximum speed that is allowed for vehicular traffic will be set by the Director of the Department of Transportation at a level which takes into consideration the safety and protection of the residents of and visitors to the Red Rock Canyon National Conservation Area. In setting that maximum

speed, the Director of the Department of Transportation shall consider, without limitation, the following factors:

- (1) Activity of bicycles and pedestrians in the area.
- (2) Protection of the natural environment.
- (3) History of ~~accidents and~~ crashes in the area.
- (4) Recreational activities conducted in the area.
- (5) The evaluation and use of measures of traffic calming which will support the maximum speed that is set.
- (6) The ability of law enforcement agencies to enforce effectively the maximum speed that is set.

(b) Adequate signage or other forms of notice are evaluated and installed to support and enhance the maximum speed that is set by the Director of the Department of Transportation, as described in paragraph (a).

3. The State Route 159 Safety Speed Zone consists of:

- (a) Any portion of State Route 159 that is within the Red Rock Canyon National Conservation Area;
- (b) Any portion of State Route 159 that abuts or is immediately adjacent to the Red Rock Canyon National Conservation Area; and
- (c) Any portion of State Route 159 that has been designated as a Scenic Byway or State Scenic Byway.

4. As used in this section:

(a) “Scenic Byway” and “State Scenic Byway” have the meanings ascribed to them in the National Scenic Byways Program, as issued by the Federal Highway Administration in 60 Federal Register 26,759 on May 18, 1995.

(b) “Traffic calming” means a combination of measures and techniques intended to:

- (1) Reduce vehicular speeds;
- (2) Promote safe and pleasant conditions for motorists, bicyclists, pedestrians and residents;
- (3) Improve the environment and usability of roadways;
- (4) Improve real and perceived safety for nonmotorized traffic; or
- (5) Any combination of subparagraphs (1) to (4), inclusive.

Sec. 24. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the direction of a police officer at the scene of a vehicle ~~accident or collision~~ **crash** or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

- (a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or
- (b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall seize the license or permit of the person to drive as provided in NRS 484C.220 and arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 484C.170 is hereby amended to read as follows:

484C.170 1. Any coroner, or other public official performing like duties, shall in all cases in which a death has occurred as a result of ~~an accident~~ **a crash** involving a motor vehicle, whether the person killed is a driver, passenger or pedestrian, cause to be drawn from each decedent, within 8 hours of the ~~accident~~ **crash**, a blood sample to be analyzed for the presence and concentration of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the Department by the coroner or other public official within 30 days after the death.

3. Blood-alcohol analyses are acceptable only if made by laboratories licensed to perform this function.

Sec. 26. NRS 484D.470 is hereby amended to read as follows:

484D.470 1. Tow cars must be equipped with:

(a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of ~~an accident~~ **a crash** shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) A shovel, and whenever practical the driver of the tow car engaged to remove any disabled vehicle shall spread dirt upon any portion of the roadway where oil or grease has been deposited by the disabled vehicle.

(c) At least one fire extinguisher of the dry chemical or carbon dioxide type, with minimum effective chemicals of no less than 5 pounds, with an aggregate rating of at least 10-B, C units, which must bear the approval of a laboratory nationally recognized as properly equipped to grant such approval.

2. A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada Highway Patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada Highway Patrol, sheriff or chief of police shall cause the roadway to be cleaned and shall bill the owner or operator of the tow car for the costs of the cleaning. If the owner or operator does not pay those costs within 30 days after receiving the bill therefor, the Nevada Highway Patrol, sheriff or chief of police shall report such information to the Nevada Transportation Authority, which may take disciplinary action in accordance with the provisions of NRS 706.449.

Sec. 27. NRS 484D.485 is hereby amended to read as follows:

484D.485 1. A manufacturer of a new motor vehicle which is sold or leased in this State and which is equipped with an event recording device shall

disclose that fact in the owner's manual for the vehicle. The disclosure must include, if applicable, a statement that the event recording device:

- (a) Records the direction and rate of speed at which the motor vehicle travels;
- (b) Records a history of where the motor vehicle travels;
- (c) Records steering performance;
- (d) Records brake performance, including, without limitation, whether the brakes were applied before ~~an accident;~~ **a crash**;
- (e) Records the status of the driver's safety belt; and
- (f) If ~~an accident;~~ **a crash** involving the motor vehicle occurs, is able to transmit information concerning the ~~accident;~~ **crash** to a central communications system.

2. Except as otherwise provided in this section, data recorded by an event recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the vehicle. Data recorded by an event recording device may be downloaded or otherwise retrieved by a person other than the registered owner of the vehicle:

- (a) If the registered owner of the vehicle consents to the retrieval of the data.
- (b) Pursuant to the order of a court of competent jurisdiction.
- (c) If the data is retrieved for the purpose of conducting research to improve motor vehicle safety, including, without limitation, conducting medical research to determine the reaction of a human body to motor vehicle ~~accidents;~~ **crashes**, provided that the identity of the registered owner or driver is not disclosed in connection with the retrieval of that data. The disclosure of a vehicle identification number pursuant to this paragraph does not constitute the disclosure of the identity of the registered owner or driver of the vehicle.
- (d) If the data is retrieved by a new vehicle dealer or a garage operator to diagnose, service or repair the motor vehicle.
- (e) Pursuant to an agreement for subscription services for which disclosure required by subsection 4 has been made.

3. A person who retrieves data from an event recording device pursuant to paragraph (c) of subsection 2 shall not disclose that data to any person other than a person who is conducting research specified in that paragraph.

4. If a motor vehicle is equipped with an event recording device that is able to record or transmit any information described in subparagraph (2) or (6) of paragraph (a) of subsection 6 and that ability is part of a subscription service for the motor vehicle, the fact that the information may be recorded or transmitted must be disclosed in the agreement for the subscription service.

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

6. As used in this section:

- (a) "Event recording device" means a device which is installed by the manufacturer of a motor vehicle and which, for the purposes of retrieving data after ~~an accident;~~ **a crash** involving the motor vehicle:

(1) Records the direction and rate of speed at which the motor vehicle travels;

(2) Records a history of where the motor vehicle travels;

(3) Records steering performance;

(4) Records brake performance, including, without limitation, whether the brakes were applied before ~~an accident;~~ **a crash;**

(5) Records the status of the driver's safety belt; or

(6) If ~~an accident;~~ **a crash** involving the motor vehicle occurs, is able to transmit information concerning the ~~accident;~~ **crash** to a central communications system.

(b) "Garage operator" has the meaning ascribed to it in NRS 487.545.

(c) "New vehicle dealer" has the meaning ascribed to it NRS 482.078.

(d) "Owner" means:

(1) A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not the person lends, rents or creates a security interest in the motor vehicle;

(2) A person entitled to possession of the motor vehicle as the purchaser under a security agreement; or

(3) A person entitled to possession of the motor vehicle as a lessee pursuant to a lease agreement if the term of the lease is more than 3 months.

Sec. 28. NRS 484D.655 is hereby amended to read as follows:

484D.655 1. The Director of the Department of Transportation:

(a) May, pursuant to paragraph (a) of subsection 1 of NRS 408.210, reduce the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway under the jurisdiction of the Department of Transportation, including, without limitation, a bridge located on the highway, for a period of not more than 180 days.

(b) Shall provide an informational report to the Board of Directors of the Department of Transportation that describes any reduction to the maximum weight limits made pursuant to paragraph (a) within 60 days after the Director of the Department of Transportation makes the reduction.

2. Except as otherwise provided in subsection 1 and NRS 484D.660, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway or a portion of a highway under its jurisdiction, the Department of Transportation shall:

(a) Consider:

(1) The average number of vehicles traveling on the highway each day;

(2) The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to subparagraph (1);

(3) The availability of alternate routes to the highway;

(4) The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;

(5) The number of traffic ~~accidents~~ **crashes** involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;

(6) Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and

(7) Any other factors the Department of Transportation deems appropriate; and

(b) Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.

Sec. 29. NRS 484D.715 is hereby amended to read as follows:

484D.715 1. The Department of Transportation may, upon application in writing, if good cause appears, issue a special or multiple trip-limited time permit in writing authorizing the applicant to move a manufactured or mobile home, or any other similar type of vehicle or structure, in excess of the maximum width, but not exceeding, except as otherwise provided in NRS 484D.720, 120 inches exclusive of appendages which must not extend beyond 3 inches on either side. The Department of Transportation may establish seasonal or other limitations on the time within which the home, vehicle or structure may be moved on the highways indicated, and may require an undertaking or other security as may be considered necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation. Permits for the movement of homes, vehicles or structures as provided for in this section may be issued only to licensed manufacturers, dealers, owners and transporters and may be issued only under the following conditions:

(a) The power unit used to tow an overwidth home, vehicle or structure having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power equipped with dual wheels.

(b) The power unit used to tow an overwidth home, vehicle or structure having a gross weight in excess of 18,000 pounds must be a one-and-one-half-ton, or larger, truck or tractor equipped with dual wheels.

(c) The mobile home for which the permit is issued must comply with the provisions of NRS 484D.635 relating to maximum weight on axles.

(d) The insurer must furnish evidence of insurance verifying coverage of the overwidth home, vehicle or structure in the amount of \$100,000 because of bodily injury to or death of one person in any one ~~accident~~ **crash**, in the amount of \$300,000 because of bodily injury to or death of two or more persons in any one ~~accident~~ **crash** and in the amount of \$50,000 because of injury to or destruction of property of others in any one ~~accident~~ **crash**.

2. A permit which has been issued for the movement of a manufactured or mobile home, or a similar type of vehicle or structure, is not valid between sunset and sunrise. The Director of the Department of Transportation may establish additional reasonable regulations, consistent with this section,

including regulations concerning the movement of such a home, vehicle or structure on a Saturday, Sunday or a legal holiday, as the Director considers necessary in the interest of public safety.

Sec. 30. NRS 484E.010 is hereby amended to read as follows:

484E.010 1. The driver of any vehicle involved in ~~{an accident}~~ **a crash** on a highway or on premises to which the public has access resulting in bodily injury to or the death of a person shall immediately stop his or her vehicle at the scene of the ~~{accident}~~ **crash** or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of the ~~{accident}~~ **crash** until the driver has fulfilled the requirements of NRS 484E.030.

2. Every such stop must be made without obstructing traffic more than is necessary.

3. A person failing to comply with the provisions of subsection 1 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 15 years and by a fine of not less than \$2,000 nor more than \$5,000.

Sec. 31. NRS 484E.020 is hereby amended to read as follows:

484E.020 The driver of any vehicle involved in ~~{an accident}~~ **a crash** resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

1. Immediately stop his or her vehicle at the scene of the ~~{accident}~~ **crash**; and

2. As soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved to a location as close thereto as possible that does not obstruct traffic and return to and remain at the scene of the ~~{accident}~~ **crash** until the driver has fulfilled the requirements of NRS 484E.030.

Sec. 32. NRS 484E.030 is hereby amended to read as follows:

484E.030 1. The driver of any vehicle involved in ~~{an accident}~~ **a crash** resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:

(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such ~~{accident}~~ **crash** or to the driver or occupant of or person attending any vehicle or other property damaged in such ~~{accident}~~ **crash**;

(b) Give such information and upon request manually surrender such license to any police officer at the scene of the ~~{accident}~~ **crash** or who is investigating the ~~{accident}~~ **crash**; and

(c) Render to any person injured in such ~~{accident}~~ **crash** reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in such ~~{accident}~~ **crash** after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report such ~~{accident}~~ **crash** to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

Sec. 33. NRS 484E.040 is hereby amended to read as follows:

484E.040 The driver of any vehicle which ~~{collides with or}~~ is involved in ~~{an accident}~~ **a crash** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

Sec. 34. NRS 484E.050 is hereby amended to read as follows:

484E.050 1. The driver of a vehicle which ~~{collides with or}~~ is involved in ~~{an accident}~~ **a crash** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such ~~{accident}~~ **crash** to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of ~~{an accident}~~ **a crash** as required in subsection 1 and there was another occupant in the vehicle at the time of the ~~{accident}~~ **crash** capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

Sec. 35. NRS 484E.060 is hereby amended to read as follows:

484E.060 1. A peace officer at the scene of ~~{an accident}~~ **a crash** involving a motor vehicle shall, by radio, request that the information on file with the Department be checked regarding the validity of the registration for each motor vehicle involved in the ~~{accident}~~ **crash**. If the peace officer is informed that the registration of a motor vehicle involved in the ~~{accident}~~ **crash** has been suspended pursuant to any provision of chapter 485 of NRS, the peace officer shall determine whether the license plates and certificate of registration for the motor vehicle have been surrendered as required by NRS 485.320. If the license plates and certificate have not been surrendered, the peace officer shall:

(a) Issue a traffic citation in the manner provided in NRS 484A.630 charging the registered owner with a violation of NRS 485.320 and 485.330; and

(b) Without a warrant, seize and take possession of the motor vehicle and cause it to be towed and impounded until the owner claims it by:

(1) Presenting proof that the vehicle's registration has been reinstated by the Department; and

(2) Paying the cost of the towing and impoundment.

2. Neither the peace officer nor the governmental entity which employs the peace officer is civilly liable for any damage to the vehicle that occurs after the vehicle is seized, but before the towing process begins.

Sec. 36. NRS 484E.070 is hereby amended to read as follows:

484E.070 1. The Department shall:

(a) Approve the format of the forms for ~~accident~~ **crash** reports made pursuant to this section; and

(b) Make those forms available to persons who are required to forward the reports to the Department pursuant to this section.

2. Except as otherwise provided in subsections 3, 4 and 5, the driver of a vehicle which is in any manner involved in ~~an accident~~ **a crash** on a highway or on premises to which the public has access, if the ~~accident~~ **crash** results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the ~~accident~~ **crash**, forward a written or electronic report of the ~~accident~~ **crash** to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the ~~accident~~ **crash** report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written or electronic reports whenever the original report is insufficient in the opinion of the Department.

3. A report is not required from any person if the ~~accident~~ **crash** was investigated by a police officer pursuant to NRS 484E.110 and the report of the investigating officer contains:

(a) The name and address of the insurance company providing coverage to each person involved in the ~~accident~~ **crash**;

(b) The number of each policy; and

(c) The dates on which the coverage begins and ends.

4. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority need not submit in his or her report the information requested pursuant to subsection 3 of NRS 484E.120 until the 10th day of the month following the month in which the ~~accident~~ **crash** occurred.

5. A written or electronic ~~accident~~ **crash** report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of the person's incapacity. Whenever the driver is physically incapable of making a written or electronic report of ~~an accident~~ **a crash** as required in this section and the driver is not the owner of the vehicle, the owner shall within 10 days after knowledge of the ~~accident~~ **crash** make the report not made by the driver.

6. All written or electronic reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in ~~accidents~~

crashes are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for ~~{accident}~~ **crash** prevention, except as otherwise provided in NRS 239.0115 and except that the Department may disclose to a person involved in ~~{an accident}~~ **a crash** or to his or her insurer the identity of another person involved in the ~~{accident}~~ **crash** when the person's identity is not otherwise known or when the person denies having been present at the ~~{accident}~~ **crash**. The Department may also disclose the name of the person's insurer and the number of the person's policy.

7. A written or electronic report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of ~~{an accident}~~ **a crash** except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified ~~{accident}~~ **crash** report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the ~~{accident}~~ **crash**, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484E.080.

Sec. 37. NRS 484E.080 is hereby amended to read as follows:

484E.080 1. If a person willfully fails, refuses or neglects to make a report of ~~{an accident}~~ **a crash** in accordance with the provisions of this chapter, the person's driving privilege may be suspended. Suspension action taken under this section remains in effect for 1 year unless terminated by receipt of the report of the ~~{accident}~~ **crash** or upon receipt of evidence that failure to report was not willful.

2. Any person who gives information in electronic, oral or written reports as required in this chapter, knowing or having reason to believe that such information is false, is guilty of a gross misdemeanor.

Sec. 38. NRS 484E.090 is hereby amended to read as follows:

484E.090 The State Registrar of Vital Statistics shall on or before the 10th day of each month report in writing to the Department the death of any person resulting from a vehicle ~~{accident}~~ **crash**, giving the time and place of ~~{accident}~~ **the crash** and the circumstances relating thereto.

Sec. 39. NRS 484E.100 is hereby amended to read as follows:

484E.100 The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in ~~{an accident}~~ **a crash** and which is repaired in that garage or repair shop shall maintain for 2 years a record of those repairs including the:

1. Registration number of the vehicle;
2. Vehicle identification number;
3. Color of the vehicle before the repairs;
4. Location on the vehicle of the damage repaired;
5. Total amount of the damage; and
6. Name and address of the person who requested the repairs.

Sec. 40. NRS 484E.110 is hereby amended to read as follows:

484E.110 1. Every police officer who investigates a vehicle ~~{accident}~~ **crash** of which a report must be made as required in this chapter, or who otherwise prepares a written or electronic report as a result of an investigation either at the time of and at the scene of the ~~{accident}~~ **crash** or thereafter by interviewing the participants or witnesses, shall forward a written or electronic report of the ~~{accident}~~ **crash** to the Department of Public Safety within 10 days after the investigation of the ~~{accident}~~ **crash**. The data collected by the Department of Public Safety pursuant to this subsection must be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle ~~{accidents}~~ **crashes** on a statewide basis.

2. The written or electronic reports required to be forwarded by police officers and the information contained therein are not privileged or confidential.

3. Every sheriff, chief of police or office of the Nevada Highway Patrol receiving any report required under NRS 484E.030 to 484E.090, inclusive, shall immediately prepare a copy thereof and file the copy with the Department of Public Safety.

4. If a police officer investigates a vehicle ~~{accident}~~ **crash** resulting in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, the police officer shall prepare a written or electronic report of the investigation.

5. As soon as practicable after receiving a report pursuant to this section, the Department of Public Safety shall submit a copy of the report to the Department of Motor Vehicles.

Sec. 41. NRS 484E.120 is hereby amended to read as follows:

484E.120 1. The Department of Public Safety shall prepare forms for ~~{accident}~~ **crash** reports required pursuant to NRS 484E.110, suitable with respect to the persons required to make the reports and the purposes to be served. The forms must be designed to call for sufficiently detailed information to disclose with reference to ~~{an accident}~~ **a crash** the cause, conditions then existing, the persons and vehicles involved, the name and address of the insurance company, the number of the policy providing coverage and the dates on which the coverage begins and ends. The Department of Public Safety shall, upon request, supply to a police department, sheriff or other appropriate agency or person, the forms for ~~{accident}~~ **crash** reports prepared by a police officer pursuant to NRS 484E.110.

2. In addition to submitting a copy of a report pursuant to NRS 484E.110, the Department of Public Safety shall provide any information required by this section which is not included in the report to the Department of Motor Vehicles to enable the Department of Motor Vehicles to determine whether the requirements for the deposit of security under chapter 485 of NRS are inapplicable. The Department of Motor Vehicles may rely upon the accuracy of information supplied to a police officer by a driver or owner on the form unless it has reason to believe that the information is erroneous.

3. Every ~~accident~~ **crash** report required pursuant to NRS 484E.070 must be made on the appropriate form approved by the Department of Motor Vehicles pursuant to that section and must contain all the information required in the form.

4. Every ~~accident~~ **crash** report required pursuant to NRS 484E.110 must be made on the appropriate form approved by the Department of Public Safety and must contain all the information required therein unless it is not available.

Sec. 42. NRS 484E.130 is hereby amended to read as follows:

484E.130 The Department shall tabulate and analyze all ~~accident~~ **crash** reports received in compliance with this chapter and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of vehicle ~~accidents~~ **crashes**.

Sec. 43. NRS 485.105 is hereby amended to read as follows:

485.105 “Proof of financial responsibility” means proof of ability to respond for the future in damages for liability, on account of ~~accidents~~ **crashes** occurring subsequent to the effective date of that proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amounts specified in NRS 485.185.

Sec. 44. NRS 485.185 is hereby amended to read as follows:

485.185 Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:

1. In the amount of \$15,000 for bodily injury to or death of one person in any one ~~accident~~ **crash**;

2. Subject to the limit for one person, in the amount of \$30,000 for bodily injury to or death of two or more persons in any one ~~accident~~ **crash**; and

3. In the amount of \$10,000 for injury to or destruction of property of others in any one ~~accident~~ **crash**,

➔ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 45. NRS 485.190 is hereby amended to read as follows:

485.190 1. If, 20 days after the receipt of a report of ~~an accident~~ **a crash** involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$750, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the ~~accident~~ **crash**, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The Department shall, immediately after a determination adverse to an operator or owner is made in a hearing pursuant to NRS 485.191, suspend the

license of each operator and all registrations of each owner of a motor vehicle involved in such ~~in an accident,~~ **a crash**, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him or her, unless the operator or owner, or both, immediately deposit security in the sum so determined by the Department at the hearing. If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 46. NRS 485.191 is hereby amended to read as follows:

485.191 1. Any operator or owner of a motor vehicle who was involved in ~~in an accident,~~ **a crash** and who is not exempt from the requirements of depositing security by the provisions of NRS 485.200, is entitled to a hearing before the Director or a representative of the Director before a determination of the amount of security required pursuant to NRS 485.190, and before the suspension of his or her operator's license or registration as provided in subsection 2 of NRS 485.190. The hearing must be held in the county of residence of the operator. If the operator and owner reside in different counties and the hearing would involve both of them, the hearing must be held in the county which will be the most convenient for the summoning of witnesses.

2. The owner or operator must be given at least 30 days' notice of the hearing in writing with a brief explanation of the proceedings to be taken against the owner or operator and the possible consequences of a determination adverse to the owner or operator.

3. If the operator or owner desires a hearing, the owner or operator shall, within 15 days, notify the Department in writing of such intention. If the owner or operator does not send this notice within the 15 days, he or she waives his or her right to a hearing, except that, the Director may for good cause shown permit the owner a later opportunity for a hearing.

Sec. 47. NRS 485.193 is hereby amended to read as follows:

485.193 The hearing must be held to determine:

1. Whether or not there is a reasonable possibility that a judgment may be rendered against the owner or operator as a result of the ~~accident,~~ **crash** in which the owner or operator was involved if the issue is brought before a court of competent jurisdiction; and

2. The amount of security that may be required of the operator or owner to satisfy any judgment for damages that may be rendered against the owner or operator.

Sec. 48. NRS 485.200 is hereby amended to read as follows:

485.200 1. The requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, do not apply:

(a) To the operator or owner if the operator or owner had in effect at the time of the ~~accident,~~ **crash** a motor vehicle liability policy with respect to the motor vehicle involved in the ~~accident;~~ **crash;**

(b) To the operator if there was in effect at the time of the ~~{accident}~~ **crash** a motor vehicle liability policy with respect to his or her operation of any motor vehicle;

(c) To the operator or owner if the liability for damages of the operator or owner resulting from the ~~{accident}~~ **crash** is, in the judgment of the Department, covered by any other form of liability insurance policy or a bond;

(d) To any person qualifying as a self-insurer pursuant to NRS 485.380, or to any person operating a motor vehicle for the self-insured;

(e) To the operator or the owner of a motor vehicle involved in ~~{an accident}~~ **a crash** wherein no injury or damage was caused to the person or property of anyone other than the operator or owner;

(f) To the operator or the owner of a motor vehicle legally parked at the time of the ~~{accident}~~ **crash**;

(g) To the owner of a motor vehicle if at the time of the ~~{accident}~~ **crash** the vehicle was being operated without the owner's permission, express or implied, or was parked by a person who had been operating the motor vehicle without permission; or

(h) If, before the date that the Department would otherwise suspend the license and registration or nonresident's operating privilege pursuant to NRS 485.190, there is filed with the Department evidence satisfactory to it that the person who would otherwise have to file security has been released from liability or has received a determination in his or her favor at a hearing conducted pursuant to NRS 485.191, or has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the ~~{accident}~~ **crash**.

2. An owner who is not the operator of the motor vehicle is not exempt from the requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, if the owner holds a motor vehicle liability policy which provides coverage only when the owner is operating the motor vehicle and, at the time of the ~~{accident}~~ **crash**, another person is operating the motor vehicle with the express or implied permission of the owner.

Sec. 49. NRS 485.210 is hereby amended to read as follows:

485.210 For the purposes of NRS 485.200, a policy or bond is not effective unless:

1. The policy or bond is subject, if the ~~{accident}~~ **crash** has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$15,000 because of bodily injury to or death of one person in any one ~~{accident}~~ **crash** and, subject to the limit for one person, to a limit of not less than \$30,000 because of bodily injury to or death of two or more persons in any one ~~{accident}~~ **crash** and, if the ~~{accident}~~ **crash** has resulted in injury to or destruction of property, to a limit of not less than \$10,000 because of injury to or destruction of property of others in any one ~~{accident}~~ **crash**; and

2. The insurance company or surety company issuing that policy or bond is authorized to do business in this State or, if the company is not authorized

to do business in this State, unless it executes a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action upon that policy or bond arising out of ~~{an accident,}~~ **a crash.**

Sec. 50. NRS 485.220 is hereby amended to read as follows:

485.220 1. The security required pursuant to NRS 485.190 to 485.300, inclusive, must be in such a form and amount as the Department may require, but in no case in excess of the limits specified in NRS 485.210 in reference to the acceptable limits of a policy or bond.

2. The person depositing the security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while the deposit is in the custody of the Department or the State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons, but a single deposit of security is applicable only on behalf of persons required to furnish security because of the same ~~{accident,}~~ **crash.**

Sec. 51. NRS 485.230 is hereby amended to read as follows:

485.230 1. The license, all registrations and the nonresident's operating privilege suspended as provided in NRS 485.190 must remain so suspended and may not be renewed nor may any license or registration be issued to any such person until:

(a) The person deposits or there is deposited on his or her behalf the security required under NRS 485.190;

(b) Two years have elapsed following the date of the ~~{accident,}~~ **crash** and evidence satisfactory to the Department has been filed with it that during that period no action for damages arising out of the ~~{accident,}~~ **crash** has been instituted; or

(c) Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of nonliability, or an acknowledged written agreement, in accordance with NRS 485.190.

2. Upon any default in the payment of any installment under any acknowledged written agreement, and upon notice of the default, the Department shall suspend the license and all registrations or the nonresident's operating privilege of the person defaulting, which may not be restored until:

(a) The person deposits and thereafter maintains security as required under NRS 485.190 in such an amount as the Department may then determine; or

(b) One year has elapsed following the date of default, or 2 years following the date of the ~~{accident,}~~ **crash**, whichever is greater, and during that period no action upon the agreement has been instituted in a court in this State.

3. Proof of financial responsibility, as set forth in NRS 485.307, is an additional requirement for reinstatement of the operator's license and registrations under this section. The person shall maintain proof of financial responsibility for 3 years after the date of reinstatement of the license in accordance with the provisions of this chapter. If the person fails to do so the Department shall suspend the license and registrations.

Sec. 52. NRS 485.240 is hereby amended to read as follows:

485.240 1. If the operator or the owner of a motor vehicle involved in ~~an accident~~ **a crash** within this State has no license or registration, or is a nonresident, the operator or owner must not be allowed a license or registration until the operator or owner has complied with the requirements of NRS 485.190 to 485.300, inclusive, to the same extent that would be necessary if, at the time of the ~~accident~~ **crash**, the operator or owner had held a license and registration.

2. When a nonresident's operating privilege is suspended pursuant to NRS 485.190 or 485.230, the Department shall transmit a certified copy of the record of that action to the officer in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of that state provides for action in relation thereto similar to that provided for in subsection 3.

3. Upon receipt of a certification that the operating privilege of a resident of this State has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle ~~accident~~ **crash**, under circumstances which would require the Department to suspend a nonresident's operating privilege had the ~~accident~~ **crash** occurred in this State, the Department shall suspend the license of the resident if the resident was the operator, and all of his or her registrations if the resident was the owner of a motor vehicle involved in that ~~accident~~ **crash**. The suspension must continue until the resident furnishes evidence of compliance with the law of the other state relating to the deposit of that security.

Sec. 53. NRS 485.250 is hereby amended to read as follows:

485.250 The Department may reduce the amount of security ordered in any case within 6 months after the date of the ~~accident~~ **crash** if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered must be returned to the depositor or his or her personal representative forthwith, notwithstanding the provisions of NRS 485.270.

Sec. 54. NRS 485.270 is hereby amended to read as follows:

485.270 Security deposited in compliance with the requirements of this chapter is applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made for damages arising out of the ~~accident~~ **crash** in question in an action at law, begun not later than 2 years after the date of the ~~accident~~ **crash** or within 1 year after the date of deposit of any security under NRS 485.230, whichever period is longer, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of the ~~accident~~ **crash**.

Sec. 55. NRS 485.280 is hereby amended to read as follows:

485.280 A deposit or any balance thereof must be returned to the depositor or his or her personal representative:

1. When evidence satisfactory to the Department has been filed with it that there has been a release from liability, a final adjudication of nonliability or an

acknowledged agreement, in accordance with paragraph (h) of subsection 1 of NRS 485.200; or

2. If 2 years after the date of the ~~{accident}~~ **crash** or 1 year after the date of deposit of any security under NRS 485.230, whichever period is longer, the Department is given reasonable evidence that there is no action pending and no judgment rendered in such an action left unpaid.

Sec. 56. NRS 485.301 is hereby amended to read as follows:

485.301 1. Whenever any person fails within 60 days to satisfy any judgment that was entered as a result of ~~{an accident}~~ **a crash** involving a motor vehicle, the judgment creditor or the judgment creditor's attorney may forward to the Department immediately after the expiration of the 60 days a certified copy of the judgment.

2. If the defendant named in any certified copy of a judgment that was entered as a result of ~~{an accident}~~ **a crash** involving a motor vehicle and reported to the Department is a nonresident, the Department shall transmit a certified copy of the judgment to the officer in charge of the issuance of licenses and registration certificates of the state in which the defendant is a resident.

Sec. 57. NRS 485.304 is hereby amended to read as follows:

485.304 Judgments must for the purpose of this chapter only, be deemed satisfied:

1. When \$15,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one ~~{accident}~~ **crash;**

2. When, subject to the limit of \$15,000 because of bodily injury to or death of one person, the sum of \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one ~~{accident}~~ **crash;** or

3. When \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one ~~{accident}~~ **crash,**

➔ but payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle ~~{accident}~~ **crash** must be credited in reduction of the amounts provided for in this section.

Sec. 58. NRS 485.307 is hereby amended to read as follows:

485.307 1. Proof of financial responsibility, when required pursuant to this title, may be given by filing:

(a) A certificate of financial responsibility as provided in NRS 485.308 or 485.309; or

(b) A certificate of self-insurance, as provided in NRS 485.380, supplemented by an agreement by the self-insurer that, with respect to ~~{accidents}~~ **crashes** occurring while the certificate is in force, the self-insurer will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's policy of liability insurance if it had issued such a policy to the self-insurer.

2. Whenever the Department restores a license, permit or privilege of driving a vehicle in this State which has been revoked, no motor vehicle may be or continue to be registered in the name of the person whose license, permit or privilege was revoked unless proof of financial responsibility is furnished by that person.

Sec. 59. NRS 485.309 is hereby amended to read as follows:

485.309 1. The nonresident owner of a motor vehicle not registered in this State or a nonresident operator of a motor vehicle may give proof of financial responsibility by filing with the Department a written certificate of an insurance carrier authorized to transact business:

(a) If the insurance provides coverage for the vehicle, in the state in which the motor vehicle described in the certificate is registered; or

(b) If the insurance provides coverage for the operator only, in the state in which the insured resides,

↪ if the certificate otherwise conforms to the provisions of this chapter.

2. The Department shall accept the proof upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(a) The insurance carrier shall execute a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action arising out of ~~an accident~~ **a crash** involving a motor vehicle in this State; and

(b) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this State relating to the terms of liability policies for owners of motor vehicles.

3. If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any undertakings or agreements, the Department shall not thereafter accept as proof any certificate of that carrier whether theretofore filed or thereafter tendered as proof, as long as the default continues.

Sec. 60. NRS 485.3091 is hereby amended to read as follows:

485.3091 1. An owner's policy of liability insurance must:

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) Because of bodily injury to or death of one person in any one ~~accident~~ **crash**, \$15,000;

(2) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one ~~accident~~ **crash**, \$30,000; and

(3) Because of injury to or destruction of property of others in any one ~~accident~~ **crash**, \$10,000.

2. An operator's policy of liability insurance must insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the person's use of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in paragraph (b) of subsection 1.

3. A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

4. A motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

5. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph (b) of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

6. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

7. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

8. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers, which policies together meet those requirements.

9. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 61. NRS 485.316 is hereby amended to read as follows:

485.316 1. Except as otherwise provided in subsection 2 and NRS 239.0115, information which is maintained in the system created pursuant to NRS 485.313 is confidential.

2. The Department may only disclose information which is maintained in the system to:

(a) A state or local governmental agency for the purpose of enforcing NRS 485.185, including investigating or litigating a violation or alleged violation;

(b) An authorized insurer;

(c) A person:

(1) With whom the Department has contracted to provide services relating to the system created pursuant to NRS 485.313; and

(2) To whom the information is disclosed only pursuant to a nondisclosure or confidentiality agreement which relates to the information;

(d) A person who requests information regarding his or her own status;

(e) The parent or legal guardian of the person about whom the information is requested if the person is an unemancipated minor or legally incapacitated;

(f) A person who has a power of attorney from the person about whom the information is requested;

(g) A person who submits a notarized release from the person about whom the information is requested which is dated no more than 90 days before the date of the request; or

(h) A person who has suffered a loss or injury in ~~an accident~~ **a crash** involving a motor vehicle, or the person's authorized insurer or a representative of the authorized insurer, who requests:

(1) Information for use in the ~~accident~~ **crash** report; and

(2) For each motor vehicle involved in the ~~accident~~ **crash**:

(I) The name and address of each registered owner;

(II) The name of the insurer; and

(III) The number of the policy of liability insurance.

3. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.

Sec. 62. NRS 485.385 is hereby amended to read as follows:

485.385 Whenever the Department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information or by reason of having received no information, upon receiving correct information within 2 years after the date of the ~~accident~~ **crash**, the

Department shall take appropriate action to carry out the purposes of this chapter. The foregoing does not require the Department to reevaluate the amount of any deposit required under this chapter.

Sec. 63. NRS 485.400 is hereby amended to read as follows:

485.400 This chapter shall not apply with respect to any ~~accident,~~ **crash**, or judgment arising therefrom, or violation of the motor vehicle laws of this State occurring prior to September 1, 1949.

Sec. 64. NRS 487.520 is hereby amended to read as follows:

487.520 1. Except as otherwise provided in subsection 3, if a salvage vehicle is repaired or rebuilt by a garage operator or operator of a body shop, the repairs or rebuilding must comply with the standards published and commonly applied in the motor vehicle repair industry.

2. Except as otherwise provided in subsection 3, if any safety equipment that was present in a motor vehicle at the time it was manufactured is repaired or replaced by a garage operator or operator of a body shop, the equipment must be repaired or replaced to the standards published and commonly applied in the motor vehicle repair industry.

3. If a motor vehicle has been in ~~an accident~~ **a crash** and a garage operator or operator of a body shop accepts or assumes control of the motor vehicle to make any repair, the garage operator or operator of the body shop shall:

(a) For a motor vehicle that is equipped with an airbag that has been deployed, replace the airbag in a manner that complies with the standards set forth in 49 C.F.R. § 571.208, Standard No. 208, for such equipment.

(b) For a motor vehicle that is equipped with a seatbelt assembly which requires repair or replacement, repair or replace the seatbelt assembly in a manner that complies with the standards set forth in 49 C.F.R. § 571.209, Standard No. 209, for such equipment.

4. A garage operator or operator of a body shop who is licensed pursuant to the provisions of this chapter who performs the work required pursuant to this section shall retain a written record of the work, including, without limitation, the date of the repair, rebuilding or replacement, and any identifying information regarding any parts or equipment used in the repair, rebuilding or replacement.

Sec. 65. NRS 1A.570 is hereby amended to read as follows:

1A.570 1. Except as otherwise provided in subsection 3, if a deceased member of the Judicial Retirement Plan had 2 years of creditable service in the 2 1/2 years immediately preceding the member's death, or if the employee had 10 or more years of creditable service, certain of his or her dependents are eligible for payments as provided in NRS 1A.530 to 1A.670, inclusive. If the death of the member resulted from a mental or physical condition which required the member to leave his or her position as a justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace or municipal judge or go on leave without pay, eligibility pursuant to the

provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member of the Judicial Retirement Plan occurs while the member is on leave of absence for further training and if the member met the requirements of subsection 1 at the time his or her leave began, certain of the member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member of the Judicial Retirement Plan is caused by an occupational disease or an accident **or motor vehicle crash** arising out of and in the course of the member's employment, no prior creditable service is required to make the member's dependents eligible for payments pursuant to NRS 1A.530 to 1A.670, inclusive, except that this subsection does not apply to an accident **or motor vehicle crash** occurring while the member is traveling between the member's home and his or her principal place of employment.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 1A.620.

Sec. 66. NRS 7.045 is hereby amended to read as follows:

7.045 1. Except as otherwise provided in this section, it shall be unlawful for a person, in exchange for compensation, to solicit a tort victim to employ, hire or retain any attorney at law:

(a) At the scene of a traffic ~~accident~~ **crash** that may result in a civil action; or

(b) At a county or city jail or detention facility.

2. It is unlawful for a person to conspire with another person to commit an act which violates the provisions of subsection 1.

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

6. As used in this section, "tort victim" means a person:

(a) Whose property has been damaged as a result of any accident **or motor vehicle crash** that may result in a civil action, criminal action or claim for tort damages by or against another person;

(b) Who has been injured or killed as a result of any accident **or motor vehicle crash** that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(c) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident **or motor vehicle crash** that may result in a civil action, criminal action or claim for tort damages by or against another person.

Sec. 67. NRS 14.070 is hereby amended to read as follows:

14.070 1. The use and operation of a motor vehicle over the public roads, streets or highways, or in any other area open to the public and commonly used by motor vehicles, in the State of Nevada by any person, either as principal, master, agent or servant, shall be deemed an appointment by the operator, on behalf of the operator and the operator's principal, master, executor, administrator or personal representative, of the Director of the Department of Motor Vehicles to be his or her true and lawful attorney upon whom may be served all legal process in any action or proceeding against the operator or the operator's principal, master, executor, administrator or personal representative, growing out of such use or resulting in damage or loss to person or property, and the use or operation signifies his or her agreement that any process against him or her which is so served has the same legal force and validity as though served upon him or her personally within the State of Nevada.

2. Service of process must be made by leaving a copy of the process with a fee of \$5 in the hands of the Director of the Department of Motor Vehicles or in the office of the Director, and the service shall be deemed sufficient upon the operator if notice of service and a copy of the process is sent by registered or certified mail by the plaintiff to the defendant at the address supplied by the defendant in the defendant's ~~accident~~ **crash** report, if any, and if not, at the best address available to the plaintiff, and a return receipt signed by the defendant or a return of the United States Postal Service stating that the defendant refused to accept delivery or could not be located, or that the address was insufficient, and the plaintiff's affidavit of compliance therewith are attached to the original process and returned and filed in the action in which it was issued. Personal service of notice and a copy of the process upon the defendant, wherever found outside of this state, by any person qualified to serve like process in the State of Nevada is the equivalent of mailing, and may be proved by the affidavit of the person making the personal service appended to the original process and returned and filed in the action in which it was issued.

3. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

4. The fee of \$5 paid by the plaintiff to the Director of the Department of Motor Vehicles at the time of the service must be taxed in the plaintiff's costs if the plaintiff prevails in the suit. The Director of the Department of Motor Vehicles shall keep a record of all service of process, including the day and hour of service.

5. The foregoing provisions of this section with reference to the service of process upon an operator defendant are not exclusive, except if the operator defendant is found within the State of Nevada, the operator defendant must be served with process in the State of Nevada.

6. The provisions of this section apply to nonresident motorists and to resident motorists who have left the State or cannot be found within the State following ~~an accident~~ **a crash** which is the subject of an action for which process is served pursuant to this section.

Sec. 68. NRS 41.200 is hereby amended to read as follows:

41.200 1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custody award has been made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.

2. The petition must set forth:

- (a) The name, age and residence of the minor;
- (b) The facts which bring the minor within the purview of this section, including:
 - (1) The circumstances which make it a disputed claim for money;
 - (2) The name of the third person against whom the claim is made; and
 - (3) If the claim is the result of an accident ~~+~~ **or motor vehicle crash**, the date, place and facts of the accident ~~+~~ **or motor vehicle crash**;
- (c) The names and residence of the parents or the legal guardian of the minor;
- (d) The name and residence of the person or persons having physical custody or control of the minor;
- (e) The name and residence of the petitioner and the relationship of the petitioner to the minor;
- (f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:
 - (1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees the percentage of the proceeds to be paid as attorney's fees;
 - (2) Medical expenses; and
 - (3) Other expenses,

↪ and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;

(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and

(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.

3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:

(a) The injury, prognosis, treatment and progress of recovery of the minor; and

(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.

4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to the father, mother or guardian of the minor, with or without the filing of any bond, or it must require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.

5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid, shall establish a blocked financial investment for the benefit of the minor with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked financial investment has been established. If the balance of the investment is more than \$10,000, the parent, guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the investment during the previous 12 months. If the balance of the investment is \$10,000 or less, the court may order the parent, guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the investment.

6. The beneficiary of a block financial investment may obtain control of or money from the investment:

(a) By an order of the court which held the compromise hearing; or

(b) By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.

7. The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.

8. As used in this section, the term “blocked financial investment” means a savings account established in a depository institution in this state, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract, or another reliable investment that is approved by the court.

Sec. 69. NRS 178.750 is hereby amended to read as follows:

178.750 1. The district attorney for each county shall prepare and submit a report, on a form approved by the Attorney General, to the Attorney General not later than February 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in ~~an accident or collision~~ **a crash** involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation:

- (a) The age, gender and race of the defendant;
- (b) The age, gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;
- (c) The age, gender and race of the victim of the homicide and any alleged related offense;
- (d) The date of the homicide and of any alleged related offense;
- (e) The date of filing of the information or indictment;
- (f) The name of each court in which the case was prosecuted;
- (g) Whether or not the prosecutor filed a notice of intent to seek the death penalty and, if so, when the prosecutor filed the notice;
- (h) The final disposition of the case and whether or not the case was tried before a jury;
- (i) The race, ethnicity and gender of each member of the jury, if the case was tried by a jury; and
- (j) The identity of:
 - (1) Each prosecuting attorney who participated in the decision to file the initial charges against the defendant;
 - (2) Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable;
 - (3) Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable; and
 - (4) Each person outside the office of the district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.

3. If all the information required pursuant to subsection 1 cannot be provided because the case is still in progress, an additional report must be filed

with the Attorney General each time a subsequent report is filed until all the information, to the extent available, has been provided.

Sec. 70. 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}~~ **a crash** 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;
 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); 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. 71. NRS 248.242 is hereby amended to read as follows:

248.242 A sheriff shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~{an accident}~~ **a crash**, or his or her legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, his or her legal representative or insurer, as applicable, with a copy of the ~~{accident}~~ **crash** report and all statements by witnesses and photographs in the possession or under the control of the sheriff’s office that concern the ~~{accident}~~ **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or
2. The ~~{accident}~~ **crash** involved:
 - (a) The death or substantial bodily harm of a person;
 - (b) Failure to stop at the scene of ~~{an accident}~~ **a crash**; or
 - (c) The commission of a felony.

Sec. 72. NRS 258.072 is hereby amended to read as follows:

258.072 A constable shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~{an accident}~~ **a crash**, or the person’s legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person’s legal representative or insurer, as applicable, with a copy of the ~~{accident}~~ **crash** report and all statements by witnesses and photographs in the

possession or under the control of the constable's office that concern the ~~accident,~~ **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~accident~~ **crash** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~an accident,~~ **a crash**; or

(c) The commission of a felony.

Sec. 73. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

3. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, **motor vehicle crash** or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

4. If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

5. A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 74. NRS 268.900 is hereby amended to read as follows:

268.900 A police department or other law enforcement agency of a city shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~an accident,~~ **a crash**, or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, legal representative or insurer, as applicable, with a copy of the ~~accident~~ **crash** report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the ~~accident,~~ **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~accident~~ **crash** involved:

- (a) The death or substantial bodily harm of a person;
- (b) Failure to stop at the scene of ~~an accident~~; **a crash**; or
- (c) The commission of a felony.

Sec. 75. NRS 269.247 is hereby amended to read as follows:

269.247 A police department or other law enforcement agency of a town shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~an accident~~, **a crash**, or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person's legal representative or insurer, as applicable, with a copy of the ~~accident~~ **crash** report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the ~~accident~~, **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~accident~~ **crash** involved:

- (a) The death or substantial bodily harm of a person;
- (b) Failure to stop at the scene of ~~an accident~~; **a crash**; or
- (c) The commission of a felony.

Sec. 76. NRS 277.035 is hereby amended to read as follows:

277.035 1. In the absence of an interlocal or cooperative agreement entered into pursuant to this chapter, if a law enforcement agency requests the assistance of another law enforcement agency which responds to the request, the law enforcement agencies shall be deemed to have entered into an implied agreement whereby:

(a) Both law enforcement agencies shall be deemed, for the limited purpose of the exclusive remedy set forth in NRS 616A.020, to employ jointly a person who:

(1) Is an employee of either law enforcement agency; and

(2) Sustains an injury by accident **or motor vehicle crash** while participating in the matter for which assistance was requested.

(b) Each law enforcement agency shall defend, hold harmless and indemnify the other law enforcement agency and its employees from any claim or liability arising from an act or omission performed by its own employee while participating in the matter for which assistance was requested, unless such act or omission is a negligent act or omission for which the law enforcement agency who employs that employee is not liable pursuant to NRS 41.0336.

2. As used in this section:

(a) "Employee" includes a person who:

(1) Is paid by a law enforcement agency to serve as a peace officer, as that term is defined in NRS 169.125; or

(2) Is recognized by and serves a law enforcement agency as a volunteer peace officer, as that term is described in NRS 616A.160.

(b) “Law enforcement agency” means an agency, office or bureau of this state or a political subdivision of this state, the primary duty of which is to enforce the law.

Sec. 77. NRS 280.400 is hereby amended to read as follows:

280.400 A metropolitan police department shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~an accident,~~ **a crash**, or his or her legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person or his or her legal representative or insurer, as applicable, with a copy of the ~~accident~~ **crash** report and all statements by witnesses and photographs in the possession or under the control of the department that concern the ~~accident,~~ **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~accident~~ **crash** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~an accident,~~ **a crash**; or

(c) The commission of a felony.

Sec. 78. NRS 281.153 is hereby amended to read as follows:

281.153 1. The employer of a police officer or firefighter may establish a program that allows a police officer or firefighter whom it employs who has suffered a catastrophe resulting in temporary total disability to elect to continue to receive the police officer’s or firefighter’s normal salary for a period of not more than 1 year in lieu of receiving the compensation for the industrial injury or occupational disease for which the police officer or firefighter is eligible pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, unless the police officer or firefighter has made an election pursuant to NRS 281.390.

2. A program established pursuant to subsection 1:

(a) Must prescribe the conditions pursuant to which a police officer or firefighter is eligible to receive the police officer’s or firefighter’s normal salary in accordance with an election pursuant to subsection 1; and

(b) May allow a police officer or firefighter to return to light-duty employment or employment modified according to the police officer’s or firefighter’s physical restrictions or limitations and receive the police officer’s or firefighter’s normal salary during the period of an election pursuant to subsection 1.

3. Unless the employer is self-insured or a member of an association of self-insured public or private employers, the employer shall notify the insurer that provides industrial insurance for that employer of the election by a police officer or firefighter pursuant to subsection 1. When the police officer or firefighter is no longer eligible to receive the police officer’s or firefighter’s normal salary pursuant to such an election, the employer shall notify the

insurer so that the insurer may begin paying to the police officer or firefighter the benefits, if any, for industrial insurance for which the police officer or firefighter is eligible. If the employer is self-insured or a member of an association of self-insured public or private employers and the police officer or firefighter is no longer eligible to receive the police officer's or firefighter's normal salary in accordance with an election pursuant to subsection 1, the employer shall begin paying the benefits, if any, for industrial insurance to which the police officer or firefighter is entitled.

4. During the period in which the police officer or firefighter elects to receive the police officer's or firefighter's normal salary pursuant to subsection 1, the police officer or firefighter accrues sick leave, annual leave and retirement benefits at the same rate at which the police officer or firefighter accrued such leave and benefits immediately before the election.

5. As used in this section:

(a) "Catastrophe" means an illness, ~~for~~ accident **or motor vehicle crash** arising out of or in the course of employment which is life threatening or which will require a period of convalescence that an attending physician expects to exceed 30 days and because of which the employee is unable to perform the duties of the employee's position.

(b) "Police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 79. NRS 284.362 is hereby amended to read as follows:

284.362 1. As used in NRS 284.362 to 284.3629, inclusive:

(a) "Catastrophe" means:

(1) The employee is unable to perform the duties of the employee's position because of a serious illness, ~~for~~ accident **or motor vehicle crash** which is life threatening or which will require a lengthy convalescence;

(2) There is a serious illness, ~~for~~ accident **or motor vehicle crash** which is life threatening or which will require a lengthy convalescence in the employee's immediate family; or

(3) There is a death in the employee's immediate family.

(b) "Committee" means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.

2. The Commission shall adopt regulations further defining "catastrophe" to ensure that the term is limited to serious calamities.

Sec. 80. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3, if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member's death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member's dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive. If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or

go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member occurs while the member is on leave of absence granted by the member's employer for further training and if the member met the requirements of subsection 1 at the time the member's leave began, certain of the deceased member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member is caused by an occupational disease, ~~for an~~ accident **or motor vehicle crash** arising out of and in the course of the member's employment, no prior contributing service is required to make the deceased member's dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, except that this subsection does not apply to an accident **or motor vehicle crash** occurring while the member is traveling between the member's home and the member's principal place of employment or to an accident, **motor vehicle crash** or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 286.6767.

Sec. 81. NRS 289.095 is hereby amended to read as follows:

289.095 1. In a county whose population is 100,000 or more, each law enforcement agency shall adopt policies and procedures to govern the investigation of motor vehicle ~~accidents~~ **crashes** in which a peace officer employed by the law enforcement agency is involved. The policies and procedures must include, without limitation, a requirement that if such a motor vehicle ~~accident~~ **crash** results in a fatal injury to any person, the motor vehicle ~~accident~~ **crash** must be investigated by a law enforcement agency other than the law enforcement agency that employs the peace officer involved in the ~~accident~~ **crash** unless:

(a) Another law enforcement agency does not have comparable equipment and personnel to investigate the ~~accident~~ **crash** at least as effectively as the law enforcement agency that employs the peace officer involved in the motor vehicle ~~accident~~ **crash**;

(b) Another law enforcement agency is unavailable to investigate the motor vehicle ~~accident~~ **crash**; or

(c) Investigation of the motor vehicle ~~accident~~ **crash** by another law enforcement agency would delay the initiation of the investigation such that the integrity of the ~~accident~~ **crash** scene and preservation and collection of evidence may be jeopardized by such a delay.

2. This section does not prohibit a law enforcement agency in a county whose population is 100,000 or more from entering into agreements for cooperation with agencies in other jurisdictions for the investigation of motor vehicle ~~accidents~~ **crashes** in which a peace officer of the law enforcement agency is involved.

Sec. 82. NRS 360.740 is hereby amended to read as follows:

360.740 1. The governing body of a local government or special district that is created after July 1, 1998, and which provides police protection and at least two of the following services:

- (a) Fire protection;
- (b) Construction, maintenance and repair of roads; or
- (c) Parks and recreation,

➔ may, by majority vote, request the Nevada Tax Commission to direct the Executive Director to allocate money from the Account to the local government or special district pursuant to the provisions of NRS 360.680 and 360.690.

2. On or before December 31 of the year immediately preceding the first fiscal year that the local government or special district would receive money from the Account, a governing body that submits a request pursuant to subsection 1 must:

- (a) Submit the request to the Executive Director; and
- (b) Provide copies of the request and any information it submits to the Executive Director in support of the request to each local government and special district that:

- (1) Receives money from the Account; and
- (2) Is located within the same county.

3. The Executive Director shall review each request submitted pursuant to subsection 1 and submit his or her findings to the Committee on Local Government Finance. In reviewing the request, the Executive Director shall:

(a) For the initial year of distribution, establish an amount to be allocated to the new local government or special district pursuant to the provisions of NRS 360.680 and 360.690. If the new local government or special district will provide a service that was provided by another local government or special district before the creation of the new local government or special district, the amount allocated to the local government or special district which previously provided the service must be decreased by the amount allocated to the new local government or special district; and

(b) Consider:

(1) The effect of the distribution of money in the Account, pursuant to the provisions of NRS 360.680 and 360.690, to the new local government or special district on the amounts that the other local governments and special districts that are located in the same county will receive from the Account; and

(2) The comparison of the amount established to be allocated pursuant to the provisions of NRS 360.680 and 360.690 for the new local government or special district to the amounts allocated to the other local governments and special districts that are located in the same county.

4. The Committee on Local Government Finance shall review the findings submitted by the Executive Director pursuant to subsection 3. If the Committee determines that the distribution of money in the Account to the new local government or special district is appropriate, it shall submit a recommendation to the Nevada Tax Commission. If the Committee determines that the

distribution is not appropriate, that decision is not subject to review by the Nevada Tax Commission.

5. The Nevada Tax Commission shall schedule a public hearing within 30 days after the Committee on Local Government Finance submits its recommendation. The Nevada Tax Commission shall provide public notice of the hearing at least 10 days before the date on which the hearing will be held. The Executive Director shall provide copies of all documents relevant to the recommendation of the Committee on Local Government Finance to the governing body of each local government and special district that is located in the same county as the new local government or special district.

6. If, after the public hearing, the Nevada Tax Commission determines that the recommendation of the Committee on Local Government Finance is appropriate, it shall order the Executive Director to distribute money in the Account to the new local government or special district pursuant to the provisions of NRS 360.680 and 360.690.

7. For the purposes of this section, the local government or special district may enter into an interlocal agreement with another governmental entity for the provision of the services set forth in subsection 1 if that local government or special district compensates the governmental entity that provides the services in an amount equal to the value of those services.

8. As used in this section:

(a) "Construction, maintenance and repair of roads" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a road and that is necessary for the safe and efficient use of the road except alleys and pathways for bicycles that are separate from the roadway and, including, without limitation:

- (1) Grades or regrades;
- (2) Gravel;
- (3) Oiling;
- (4) Surfacing;
- (5) Macadamizing;
- (6) Paving;
- (7) Cleaning;
- (8) Sanding or snow removal;
- (9) Crosswalks;
- (10) Sidewalks;
- (11) Culverts;
- (12) Catch basins;
- (13) Drains;
- (14) Sewers;
- (15) Manholes;
- (16) Inlets;
- (17) Outlets;
- (18) Retaining walls;

(19) Bridges;
 (20) Overpasses;
 (21) Tunnels;
 (22) Underpasses;
 (23) Approaches;
 (24) Sprinkling facilities;
 (25) Artificial lights and lighting equipment;
 (26) Parkways;
 (27) Fences or barriers that control access to the road;
 (28) Control of vegetation;
 (29) Rights-of-way;
 (30) Grade separators;
 (31) Traffic separators;
 (32) Devices and signs for control of traffic;
 (33) Facilities for personnel who construct, maintain or repair roads; and
 (34) Facilities for the storage of equipment or materials used to construct, maintain or repair roads.

(b) “Fire protection” includes the provision of services related to:

- (1) The prevention and suppression of fire; and
- (2) Rescue,

➔ and the acquisition and maintenance of the equipment necessary to provide those services.

(c) “Parks and recreation” includes the employment by the local government or special district, on a permanent and full-time basis, of persons who administer and maintain recreational facilities and parks. “Parks and recreation” does not include the construction or maintenance of roadside parks or rest areas that are constructed or maintained by the local government or special district as part of the construction, maintenance and repair of roads.

(d) “Police protection” includes the employment by the local government or special district, on a permanent and full-time basis, of at least three persons whose primary functions specifically include:

- (1) Routine patrol;
- (2) Criminal investigations;
- (3) Enforcement of traffic laws; and
- (4) Investigation of motor vehicle ~~accidents~~ **crashes**.

Sec. 83. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, “employee” means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees’ compensation in 12 equal monthly payments for 9 or more months’ work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between

the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness, ~~for~~ accident ~~or~~ **motor vehicle crash**, or because of serious illness, accident, **motor vehicle crash** or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be

required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595, ➔ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 84. NRS 392.320 is hereby amended to read as follows:

392.320 1. As used in this section, “vehicles” means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles required by the school district for the transportation of pupils.

2. The board of trustees of a school district shall use transportation funds of the school district for:

(a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.

(b) Necessary repairs of vehicles to keep them in safe and workable condition.

(c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.

(d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:

(1) Be of such an amount as the board of trustees may be able to obtain and the regulations of the State Board of Education require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by ~~collision~~ **a crash** or any accident during the operation of any such vehicle.

Sec. 85. NRS 392.410 is hereby amended to read as follows:

392.410 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, ~~for~~ accident ~~or~~ **or motor vehicle crash**, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of NRS 392.400, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 392.405 if the bus is purchased on or after January 1, 2016; and

(2) Subsection 2 or 3 of NRS 392.405 if the bus is purchased on or after July 1, 2016.

4. The agents and employees of the Department of Motor Vehicles shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of Motor Vehicles, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 86. NRS 394.545 is hereby amended to read as follows:

394.545 1. A driving school:

(a) Must be located more than 200 feet from any office of the Department of Motor Vehicles;

(b) Must have the equipment necessary to instruct students in the safe operation of motor vehicles and maintain the equipment in a safe condition; and

(c) Must have insurance in at least the following amounts:

(1) For bodily injury to or death of two or more persons in one ~~accident,~~ **crash**, \$40,000; and

(2) For damage to property in any one ~~accident,~~ **crash**, \$10,000.

2. The Department of Motor Vehicles may review and approve or disapprove any application to issue, renew or revoke a license for a driving school. The Department of Motor Vehicles may, at any time, inspect a licensed driving school and may recommend that its license be suspended or revoked. The Administrator shall investigate and recommend to the Commission the appropriate action.

Sec. 87. NRS 396.328 is hereby amended to read as follows:

396.328 The Police Department for the System shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~an accident,~~ **a crash**, or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, his or her legal representative or insurer, as applicable, with a copy of the ~~accident,~~ **crash** report and all statements by witnesses and photographs in the possession or under the control of the Department that concern the ~~accident,~~ **crash**, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~accident,~~ **crash** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~an accident,~~ **a crash**; or

(c) The commission of a felony.

Sec. 88. NRS 408.100 is hereby amended to read as follows:

408.100 Recognizing that safe and efficient highway transportation is a matter of important interest to all the people of the State, and that an adequate highway system is a vital part of the national defense, the Legislature hereby determines and declares that:

1. An integrated system of state highways and roads is essential to the general welfare of the State.

2. Providing such a system of facilities, its efficient management, maintenance and control is recognized as a problem and as the proper prospective of highway legislation.

3. Inadequate highways and roads obstruct the free flow of traffic, resulting in undue cost of motor vehicle operation, endangering the health and safety of the citizens of the State, depreciating property values, and impeding general economic and social progress of the State.

4. In designating the highways and roads of the State as provided in this chapter, the Legislature places a high degree of trust in the hands of those officials whose duty it is, within the limits of available funds, to plan, develop, operate, maintain, control and protect the highways and roads of this state, for present as well as for future use.

5. To this end, it is the express intent of the Legislature to make the Board of Directors of the Department of Transportation custodian of the state highways and roads and to provide sufficiently broad authority to enable the Board to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the Constitution and the legislative mandate proposed in this chapter.

6. The Legislature intends:

(a) To declare, in general terms, the powers and duties of the Board of Directors, leaving specific details to be determined by reasonable regulations and declarations of policy which the Board may promulgate.

(b) By general grant of authority to the Board of Directors to delegate sufficient power and authority to enable the Board to carry out the broad objectives contained in this chapter.

7. The problem of establishing and maintaining adequate highways and roads, eliminating congestion, reducing ~~the accident~~ **crash** frequency and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent.

8. The Legislature hereby finds, determines and declares that this chapter is necessary for the preservation of the public safety, the promotion of the general welfare, the improvement and development of facilities for transportation in the State, and other related purposes necessarily included therein, and as a contribution to the system of national defense.

9. The words "construction," "maintenance" and "administration" used in Section 5 of Article 9 of the Constitution of the State of Nevada are broad enough to be construed to include and as contemplating the construction, maintenance and administration of the state highways and roads as established by this chapter and the landscaping, roadside improvements and planning surveys of the state highways and roads.

Sec. 89. NRS 408.210 is hereby amended to read as follows:

408.210 1. Except as otherwise provided in NRS 484D.655, the Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of ~~collisions~~ **crashes** between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of \$100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself or herself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the

Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 90. NRS 408.561 is hereby amended to read as follows:

408.561 1. The Department may establish at centers a toll-free telephone system for members of the traveling public to make reservations at hotels, motels, campgrounds and other places of public accommodation. The cost of this system, reduced pursuant to subsection 2 if applicable, must be apportioned among the hotels, motels, campgrounds and other businesses that participate in the system.

2. If the Department uses the telephone system established pursuant to subsection 1 as a method for members of the public to report fires, accidents, **motor vehicle crashes** or other emergencies or to receive information concerning the conditions for driving on certain highways, the Department shall pay a proportionate share of the cost of the system.

Sec. 91. NRS 408.569 is hereby amended to read as follows:

408.569 The Department shall establish along one or more frequently traveled highways of this state a system of communication for members of the general public to report fires, accidents, **motor vehicle crashes** or other emergencies and to receive information concerning the conditions for driving on certain highways.

Sec. 92. NRS 424.250 is hereby amended to read as follows:

424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, **motor vehicle crash** or injury occurs to a child in its care within 24 hours after the incident, accident, **motor vehicle crash** or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, **motor vehicle crash** or injury, any action taken as a result of the incident, accident, **motor vehicle crash** or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 93. NRS 426.510 is hereby amended to read as follows:

426.510 1. Except as otherwise provided in subsections 2, 3 and 4, a person shall not:

(a) Use a service animal; or
(b) Carry or use on any street or highway or in any other public place a cane or walking stick which is white or metallic in color, or white tipped with red.

2. A person who is blind may use a service animal and a cane or walking stick which is white or metallic in color, or white tipped with red.

3. A person who is deaf may use a service animal.

4. A person with a physical disability may use a service animal.

5. Any pedestrian who approaches or encounters a person who is blind using a service animal or carrying a cane or walking stick, white or metallic in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident , **motor vehicle crash** or injury to the person who is blind.

6. Any person other than a person who is blind who:

(a) Uses a service animal or carries a cane or walking stick such as is described in this section, contrary to the provisions of this section;

(b) Fails to heed the approach of a person using a service animal or carrying such a cane as is described by this section;

(c) Fails to come to a stop upon approaching or coming in contact with a person so using a service animal or so carrying such a cane or walking stick; or

(d) Fails to take precaution against accident , **motor vehicle crash** or injury to such a person after coming to a stop as provided for in this section,
↪ is guilty of a misdemeanor.

7. This section does not apply to any person who is instructing a person who is blind, person who is deaf or person with a physical disability or training a service animal.

Sec. 94. NRS 428.010 is hereby amended to read as follows:

428.010 1. Except as otherwise provided in NRS 422.382, to the extent that money may be lawfully appropriated by the board of county commissioners for this purpose pursuant to NRS 428.050, 428.285 and 450.425, every county shall provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease , ~~for~~ accident ~~to~~ **or motor vehicle crash**, lawfully resident therein, when those persons are not supported or relieved by their relatives or guardians, by their own means, or by state hospitals, or other state, federal or private institutions or agencies.

2. Except as otherwise provided in NRS 439B.330, the boards of county commissioners of the several counties shall establish and approve policies and standards, prescribe a uniform standard of eligibility, appropriate money for this purpose and appoint agents who will develop regulations and administer these programs to provide care, support and relief to the poor, indigent,

incompetent and those incapacitated by age, disease, ~~for~~ accident ~~[-]~~ or **motor vehicle crash**.

Sec. 95. NRS 428.165 is hereby amended to read as follows:

428.165 “Injury in a motor vehicle ~~“accident”~~ **crash**” means any personal injury ~~“accidentally”~~ caused in, by or as the proximate result of the movement of a motor vehicle on a public street or highway, whether the injured person was the operator of the vehicle or another vehicle, a passenger in the vehicle or another vehicle, a pedestrian, or had some other relationship to the movement of a vehicle.

Sec. 96. NRS 428.215 is hereby amended to read as follows:

428.215 Whenever hospital care is furnished to a person on account of an injury suffered by the person in a motor vehicle ~~“accident,”~~ **crash**, the hospital shall use reasonable diligence to collect the amount of the charges for that care from the patient or any other person responsible for the support of the patient. The hospital may request the board of county commissioners of the county in which:

1. The ~~“accident”~~ **crash** occurred, if the person is not a resident of this state and the ~~“accident”~~ **crash** occurred in this state; or
2. The person resides, if the person is a resident of this state,

↪ to determine whether the person who received the care is an indigent person.

Sec. 97. NRS 428.255 is hereby amended to read as follows:

428.255 1. Any reimbursement or partial reimbursement made from the Fund for unpaid charges for hospital care furnished to a person which are not greater than \$3,000, is a charge upon the county in which:

- (a) The ~~“accident”~~ **crash** occurred, if the person is not a resident of this state and the ~~“accident”~~ **crash** occurred in this state; or
 - (b) The person resides, if the person is a resident of this state,
- ↪ and must be paid to the Fund upon a claim presented by the Board as other claims against the county are paid.

2. Money paid by a county pursuant to this section must be accounted for separately and expended in accordance with the provisions of subsection 3 of NRS 428.175.

Sec. 98. NRS 432A.500 is hereby amended to read as follows:

432A.500 1. A field administrator shall ensure that each group of clients does not hike beyond the physical limitations of the weakest member of the group. If the outdoor temperature is greater than 90 degrees Fahrenheit, clients must not be allowed to hike between 10 a.m. and 6 p.m.

2. The field staff shall:

- (a) Provide clients with daily instruction upon:
 - (1) Federal, state and local laws and regulations for the protection of the environment; and
 - (2) Conducting themselves in such a manner as not to have an adverse effect on the environment.
- (b) Maintain a common daily log of all accidents, **motor vehicle crashes**, injuries, administrations of medication, behavioral problems and any unusual

incidents that occur. The log must be in bound form, except that a log may be recorded electronically while on an expedition if it is transcribed into a bound volume immediately after the expedition. All entries must be in permanent ink and signed by the entrant. A provider or field administrator shall, upon request, allow any authorized member or employee of the Division to inspect the log, and shall not allow any person to alter or destroy the log or any of its entries.

(c) While on an expedition, carry an itinerary of the expedition, including the intended schedule, and a map of the route for the expedition.

Sec. 99. NRS 433.484 is hereby amended to read as follows:

433.484 Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The consumer if he or she is 18 years of age or over or legally emancipated and competent to give that consent, and from the consumer's legal guardian, if any;

(2) The parent or guardian of a consumer under 18 years of age and not legally emancipated; or

(3) The legal guardian of a consumer of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a consumer as provided in paragraph (b) may be withdrawn by the consumer in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any consumer who has been injured in an accident **or motor vehicle crash** or who is suffering from an acute illness, disease or condition, if within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the consumer and if the treatment is immediately entered into the consumer's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from abuse, neglect and aversive intervention.

3. To consent to the consumer's transfer from one facility to another, except that the Administrator of the Division of Public and Behavioral Health of the Department or the Administrator's designee, or the Administrator of the Division of Child and Family Services of the Department or the Administrator's designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the consumer in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the consumer's record of treatment and immediately forward a notice of the objection to the Administrator who ordered the transfer, and the Commission shall review the transfer pursuant to subsection 3 of NRS 433.534.

4. Other rights concerning care, treatment and training as may be specified by regulation of the Commission.

Sec. 100. NRS 435.570 is hereby amended to read as follows:

435.570 Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The consumer if he or she is 18 years of age or over or legally emancipated and competent to give that consent, and from the consumer's legal guardian, if any;

(2) The parent or guardian of a consumer under 18 years of age and not legally emancipated; or

(3) The legal guardian of a consumer of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a consumer as provided in paragraph (b) may be withdrawn by the consumer in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any consumer who has been injured in an accident **or motor vehicle crash** or who is suffering from an acute illness, disease or condition if, within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the consumer and if the treatment is immediately entered into the consumer's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from abuse, neglect and aversive intervention.

3. To consent to the consumer's transfer from one facility to another, except that the Administrator of the Division or the Administrator's designee, or the Administrator of the Division of Child and Family Services of the Department or the Administrator's designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the consumer in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the consumer's record of treatment and immediately forward a notice of the objection to the Administrator who ordered the transfer, and the Commission on Behavioral Health shall review the transfer pursuant to subsection 3 of NRS 435.610.

4. Other rights concerning care, treatment and training as may be specified by regulation.

Sec. 101. NRS 439B.280 is hereby amended to read as follows:

439B.280 The major hospitals shall sponsor an educational program to promote wellness, physical fitness and the prevention of disease , ~~and~~ accidents ~~and~~ **and motor vehicle crashes**. The program must be:

1. Administered and carried out by the participating hospitals; and
2. Approved by the Director.

Sec. 102. NRS 445B.100 is hereby amended to read as follows:

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State:

(a) To provide for the integration of all programs for the prevention of accidents **and motor vehicle crashes** in this State involving chemicals, including, without limitation, accidents **and motor vehicle crashes** involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances; and

(b) Periodically to retire a portion of the emission credits or allocations specified in NRS 445B.235 that may otherwise be available for banking or for sale pursuant to that section.

Sec. 103. NRS 450.400 is hereby amended to read as follows:

450.400 1. When the privileges and use of the hospital are extended to a resident of another county who is reasonably believed to be indigent, as defined in NRS 439B.310, and who is:

(a) Entitled under the laws of this state to relief, support, care, nursing, medicine or medical or surgical aid from the other county; or

(b) Injured, maimed or falls sick in the other county,

↪ the governing head shall notify the board of county commissioners of that county within 3 working days after the person is admitted to that hospital.

2. The notice must be in writing and addressed to the board of county commissioners of that county.

3. Except in the case of an injury suffered in a motor vehicle ~~[accident,]~~ **crash**, the board of county commissioners receiving the notice shall cause the person to be removed immediately to that county, and shall pay a reasonable sum to the hospital for the temporary occupancy, care, nursing, medicine, and attendance, other than medical or surgical attendance, furnished to the person.

4. If the board of county commissioners neglects or refuses to remove the person, or if in the opinion of the attending physician it is not advisable to remove the person, the governing head has a legal claim against the county for all charges for occupancy, nursing, care, medicine, and attendance, other than medical or surgical attendance, necessarily furnished, and may recover those charges in a suit at law.

Sec. 104. NRS 455.103 is hereby amended to read as follows:

455.103 “Unexpected occurrence” includes, but is not limited to, fire, flood, earthquake or other cause of the movement of the soil, or a riot, an accident, **a motor vehicle crash** or an act of sabotage that causes damage to a subsurface installation which requires immediate repair.

Sec. 105. NRS 455B.470 is hereby amended to read as follows:

455B.470 1. A person using a recreation area who is involved in a ~~{collision}~~ **motor vehicle crash** or an accident in which another person is injured shall provide his or her name and current address to the injured person and the operator or an authorized agent or employee of the operator:

(a) Before the person leaves the vicinity of the ~~{collision}~~ **crash** or accident; or

(b) As soon as reasonably possible after leaving the vicinity of the ~~{collision}~~ **crash** or accident to secure aid for the injured person.

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 106. NRS 459.38195 is hereby amended to read as follows:

459.38195 1. The Division may investigate an accident **or a motor vehicle crash** occurring in connection with a process that involves one or more highly hazardous substances or explosives at a facility which results in an uncontrolled emission, fire or explosion and which presented an imminent and substantial danger to the health of the employees of the facility, the public health or the environment, to determine the cause of the accident **or motor vehicle crash** if the owner or operator of the facility:

(a) Is unwilling to commence and has not commenced an investigation in a timely manner; or

(b) Is not capable of and has not retained expertise capable of conducting an investigation.

2. If the Division chooses to conduct such an investigation, the owner or operator of the facility shall, in a manner consistent with the safety of the employees of the Division and the facility, and without placing an undue burden on the operation of the facility, cooperate with the Division by:

(a) Allowing the Division:

(1) To investigate the accident **or crash** site and directly related facilities, including, without limitation, control rooms;

(2) To examine physical evidence; and

(3) If practicable, to inspect equipment both externally and internally;

(b) Providing the Division with pertinent documents; and

(c) Allowing the Division to conduct independent interviews of the employees of the facility, subject to all rights of the facility and the employees to be represented by legal counsel, management representatives and union representatives during the interviews.

3. To the maximum extent feasible, the Division shall coordinate any investigation it conducts pursuant to this section with investigations conducted by other agencies with jurisdiction over the facility to minimize any adverse impact on the facility and its employees.

4. The Division may contract for the services of a technical expert in conducting an investigation pursuant to this section and may recover its costs for such services from the owner or operator of the facility.

5. If an investigation is conducted by the Division pursuant to this section, all costs incurred by the Division in conducting the investigation, including,

without limitation, the costs of services provided pursuant to subsection 4, may be recovered by the Division from the owner or operator of the facility at which the accident **or crash** occurred.

6. The State Environmental Commission may adopt regulations setting forth the procedures governing an investigation conducted by the Division pursuant to this section and the procedures for the recovery by the Division of all costs incurred by the Division in conducting the investigation.

Sec. 107. NRS 459.3864 is hereby amended to read as follows:

459.3864 1. When there is an accident **or motor vehicle crash** which poses a significant danger to public health and safety, or a near accident **or motor vehicle crash** of this nature, in a facility or a group of facilities, or when the Governor declares that a committee to oversee the management of risks in a facility, or group of facilities, would be in the best interests of the public health and safety, the Governor shall create such a committee for the facility or group of facilities which may represent a catastrophic threat to public health and safety.

2. To the extent practicable, the Governor shall appoint the members of the committee from the membership of the State Emergency Response Commission.

3. The Governor shall appoint to the committee at least three persons who represent the facility or group of facilities which may represent a catastrophic threat to public health and safety.

4. The Governor shall appoint the chair and may appoint a co-chair of the committee from among the members.

5. The Division shall provide to the committee necessary resources such as clerical assistance and funding sufficient for the committee to perform its duties.

Sec. 108. NRS 459.500 is hereby amended to read as follows:

459.500 1. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, or 459.800 to 459.856, inclusive:

(a) Regulations of the Commission must provide:

(1) For safety in the packaging, handling, transportation and disposal of hazardous waste;

(2) For the certification of consultants involved in consultation regarding the response to and the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks, the clean up of spills of or accidents **or motor vehicle crashes** involving hazardous waste, hazardous material or a regulated substance, or the management of hazardous waste;

(3) That a person employed full-time by a business to act as such a consultant is exempt from the requirements of certification if the person:

(I) Meets the applicable requirements of 29 C.F.R. § 1910.120 to manage such waste, materials or substances; and

(II) Is acting in the course of that full-time employment; and

(4) For the certification of laboratories that perform analyses for the purposes of NRS 459.400 to 459.600, inclusive, 459.610 to 459.658, inclusive, and 459.800 to 459.856, inclusive, to identify whether waste is hazardous waste or to detect the presence of hazardous waste or a regulated substance in soil or water.

(b) Regulations of the Commission may:

(1) Provide for the licensing and other necessary regulation of generators, including shippers and brokers, who cause that waste to be transported into or through Nevada or for disposal in Nevada;

(2) Require that the person responsible for a spill, leak, ~~for~~ accident **or motor vehicle crash** involving hazardous waste, hazardous material or a regulated substance, obtain advice on the proper handling of the spill, leak, ~~for~~ accident **or motor vehicle crash** from a consultant certified under the regulations adopted pursuant to paragraph (a); and

(3) Establish standards relating to the education, experience, performance and financial responsibility required for the certification of consultants.

2. The regulations may include provisions for:

(a) Fees to pay the cost of inspection, certification and other regulation, excluding any activities conducted pursuant to NRS 459.7052 to 459.728, inclusive; and

(b) Administrative penalties of not more than \$2,500 per violation or \$10,000 per shipment for violations by persons licensed by the Department, and the criminal prosecution of violations of its regulations by persons who are not licensed by the Department.

3. Designated employees of the Department and the Nevada Highway Patrol Division shall enforce the regulations of the Commission relating to the transport and handling of hazardous waste and the leakage or spill of that waste from packages.

Sec. 109. NRS 459.512 is hereby amended to read as follows:

459.512 1. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the Department to offset partially the cost incurred by the State Fire Marshal for training emergency personnel who respond to the scene of accidents **or motor vehicle crashes** involving hazardous materials a fee of \$4.50 per ton of the volume received for the disposal of hazardous waste by the facility.

2. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the Department to offset partially the cost incurred by the Public Utilities Commission of Nevada for inspecting and otherwise ensuring the safety of any shipment of hazardous materials transported by rail car through or within this State a fee of \$1.50 per ton of the volume received for the disposal of hazardous waste by the facility.

3. The operator of such a facility shall pay the fees provided in this section, based upon the volume of hazardous waste received by the facility during each quarter of the calendar year, within 30 days after the end of each quarter. The

Department may assess and collect a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that the fee remains due.

Sec. 110. NRS 459.535 is hereby amended to read as follows:

459.535 1. Except as otherwise provided in NRS 459.537 and subsection 2 of this section, the money in the Account for the Management of Hazardous Waste may be expended only to pay the costs of:

- (a) The continuing observation or other management of hazardous waste;
- (b) Establishing and maintaining a program of certification of consultants involved in the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks or the clean up of spills of or accidents **or motor vehicle crashes** involving hazardous waste, hazardous material or a regulated substance;
- (c) Training persons to respond to accidents , **motor vehicle crashes** or other emergencies related to hazardous materials, including any basic training by the State Fire Marshal which is necessary to prepare personnel for advanced training related to hazardous materials;
- (d) Establishing and maintaining a program by the Public Utilities Commission of Nevada to inspect and otherwise ensure the safety of any shipment of hazardous materials transported by rail car through or within the State; and
- (e) Financial incentives and grants made in furtherance of the program developed pursuant to paragraph (c) of subsection 2 of NRS 459.485 for the minimization, recycling and reuse of hazardous waste.

2. Money in the Account for the Management of Hazardous Waste may be expended to provide matching money required as a condition of any federal grant for the purposes of NRS 459.800 to 459.856, inclusive, or for any other purpose authorized by the Legislature.

Sec. 111. NRS 459.537 is hereby amended to read as follows:

459.537 1. If the person responsible for a leak or spill of or an accident **or motor vehicle crash** involving hazardous waste, hazardous material or a regulated substance does not act promptly and appropriately to clean and decontaminate the affected area properly, and if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment, money from the Account for the Management of Hazardous Waste may be expended to pay the costs of:

- (a) Responding to the leak, spill , ~~for~~ accident ~~to~~ **or crash;**
- (b) Coordinating the efforts of state, local and federal agencies responding to the leak, spill , ~~for~~ accident ~~to~~ **or crash;**
- (c) Managing the cleaning and decontamination of an area for the disposal of hazardous waste or the site of the leak, spill , ~~for~~ accident ~~to~~ **or crash;**
- (d) Removing or contracting for the removal of hazardous waste, hazardous material or a regulated substance which presents an imminent danger to human health, public safety or the environment; or

(e) Services rendered in responding to the leak, spill, ~~for~~ accident ~~or~~ **crash**, by consultants certified pursuant to regulations adopted by the Commission.

2. Except as otherwise provided in this subsection or NRS 459.610 to 459.658, inclusive, the Director shall demand reimbursement of the Account for money expended pursuant to subsection 1 from any person who is responsible for the accident, **crash**, leak or spill, or who owns or controls the hazardous waste, hazardous material or a regulated substance, or the area used for the disposal of the waste, material or substance. Payment of the reimbursement is due within 60 days after the person receives notice from the Director of the amount due. The provisions of this section do not apply to a spill or leak of or an accident **or motor vehicle crash** involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

3. At the request of the Director, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

4. As used in this section:

(a) “Does not act promptly and appropriately” means that the person:

(1) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(2) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(3) Does not act upon the commitment within 24 hours after making it;

(4) Does not clean and decontaminate the affected area properly; or

(5) Does not act immediately to clean and decontaminate the affected area properly, if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment.

(b) “Responding” means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident **or motor vehicle crash** involving hazardous waste, hazardous material or a regulated substance, including, without limitation, efforts to:

(1) Contain and dispose of the hazardous waste, hazardous material or regulated substance.

(2) Clean and decontaminate the area affected by the leak, spill, ~~for~~ accident ~~or~~ **crash**.

(3) Investigate the occurrence of the leak, spill, ~~for~~ accident ~~or~~ **crash**.

Sec. 112. NRS 459.718 is hereby amended to read as follows:

459.718 1. A person responsible for the care, custody or control of a hazardous material which is involved in an accident, **motor vehicle crash** or incident occurring during the transportation of the hazardous material by a motor carrier, including any accident, **motor vehicle crash** or incident occurring during any loading, unloading or temporary storage of the hazardous material while it is subject to active shipping papers and before it has reached

its ultimate consignee, shall notify the Division, consistent with the requirements of 49 C.F.R. § 171.15, as soon as practicable if, as a result of the hazardous material:

- (a) A person is killed;
- (b) A person receives injuries that require hospitalization;
- (c) Any damage to property exceeds \$50,000;
- (d) There is an evacuation of the general public for 1 hour or more;
- (e) One or more major transportation routes or facilities are closed or shut down for 1 hour or more;
- (f) There is an alteration in the operational flight pattern or routine of any aircraft;
- (g) Any radioactive contamination is suspected;
- (h) Any contamination by an infectious substance is suspected;
- (i) There is a release of a liquid marine pollutant in excess of 450 liters or a solid marine pollutant in excess of 400 kilograms; or
- (j) Any situation exists at the site of the accident , **motor vehicle crash** or incident which, in the judgment of the person responsible for the care, custody or control of the hazardous material, should be reported to the Division.

2. The notification required pursuant to this section must include:

- (a) The name of the person providing the notification;
- (b) The name and address of the motor carrier represented by that person;
- (c) The telephone number where that person can be contacted;
- (d) The date, time and location of the accident , **crash** or incident;
- (e) The extent of any injuries;
- (f) The classification, name and quantity of the hazardous material involved, if that information is available; and
- (g) The type of accident , **crash** or incident, the nature of the hazardous material involved and whether there is a continuing danger to life at the scene of the accident , **crash** or incident.

3. A person may satisfy the requirements of this section by providing the information specified in subsection 2 to the person who responds to a telephone call placed to:

- (a) The number 911 in an area where that number is used for emergencies;
- or
- (b) The number zero in an area where the number 911 is not used for emergencies.

Sec. 113. NRS 459.735 is hereby amended to read as follows:

459.735 1. The Contingency Account for Hazardous Materials is hereby created in the State General Fund.

2. The Commission shall administer the Contingency Account for Hazardous Materials. Except as otherwise provided in subsection 4, the money in the Account may be expended for:

- (a) Carrying out the provisions of NRS 459.735 to 459.773, inclusive;
- (b) Carrying out the provisions of 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.;

(c) Maintaining and supporting the operations of the Commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents , **motor vehicle crashes** and incidents involving hazardous materials;

(e) The operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045; and

(f) Any other purpose authorized by the Legislature.

3. All money received by this State pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq. must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. In addition, all money received by the Commission from any source must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. The State Controller shall transfer from the Contingency Account to the Operating Account of the State Fire Marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the State Fire Marshal for use pursuant to paragraph (e) of subsection 2.

4. Any fees deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials pursuant to subsection 5 of NRS 482.379365 must be accounted for separately and must be expended to provide financial assistance to this State or to local governments in this State to support preparedness to combat terrorism, including, without limitation, planning, training and purchasing supplies and equipment, or for any other purpose authorized by the Legislature.

5. Upon the presentation of budgets in the manner required by law, money to support the operation of the Commission pursuant to this chapter, other than its provision of grants, must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization to the Contingency Account for Hazardous Materials.

6. The interest and income earned on the money in the Contingency Account for Hazardous Materials, after deducting any applicable charges, must be credited to the Account.

7. All claims against the Contingency Account for Hazardous Materials must be paid as other claims against the State are paid.

Sec. 114. NRS 459.748 is hereby amended to read as follows:

459.748 As used in NRS 459.750 to 459.770, inclusive:

1. “Does not act promptly and appropriately” means that the person:

(a) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(b) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(c) Does not act upon the commitment within 24 hours after making it;

(d) Does not clean and decontaminate the affected area properly; or

(e) Does not act immediately to clean and decontaminate the affected area properly, if the inaction of the person presents an imminent and substantial hazard to human health, public safety or the environment.

2. “Responding” means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a spill of or accident **or motor vehicle crash** involving hazardous material, including, without limitation, efforts to:

(a) Contain and dispose of the hazardous material.

(b) Clean and decontaminate the area affected by the spill, ~~spill~~ accident ~~spill~~ **or crash**.

(c) Investigate the occurrence of the spill, ~~spill~~ accident ~~spill~~ **or crash**.

Sec. 115. NRS 459.750 is hereby amended to read as follows:

459.750 Any person who possessed or had in his or her care any hazardous material involved in a spill, ~~spill~~ accident **or motor vehicle crash** requiring the cleaning and decontamination of the affected area is responsible for that cleaning and decontamination.

Sec. 116. NRS 459.755 is hereby amended to read as follows:

459.755 If the person responsible for hazardous material involved in a spill, ~~spill~~ accident **or motor vehicle crash** does not act promptly and appropriately to clean and decontaminate the affected area, and if the inaction of the person presents an imminent and substantial hazard to human health, public safety, any property or the environment, money from the Contingency Account for Hazardous Materials may be expended to pay the costs of:

1. Responding to a spill of or an accident **or motor vehicle crash** involving hazardous material;

2. Coordinating the efforts of state, local and federal agencies responding to a spill of or an accident **or motor vehicle crash** involving hazardous material;

3. Managing the cleaning and decontamination of an area for the disposal of hazardous material or the site of a spill of or an accident **or motor vehicle crash** involving hazardous material; or

4. Removing or contracting for the removal of hazardous material which presents an imminent danger to human health, public safety or the environment.

Sec. 117. NRS 459.760 is hereby amended to read as follows:

459.760 1. Except as otherwise provided in this subsection, any state agency accruing expenses in responding to a spill of or an accident **or motor vehicle crash** involving hazardous material may present an itemized accounting of those expenses with a demand for reimbursement of those expenses to the person responsible for the hazardous material. Payment of the reimbursement must be made within 60 days after the person receives notice from the agency of the amount due. The provisions of this section do not apply to a spill of or an accident **or motor vehicle crash** involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

2. If the state agency cannot recover the full amount of reimbursement from the person responsible, it may report to the Commission its need for

additional funding. The Commission shall notify the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee if the Legislature is not in session, of the state agency's need for additional funding.

3. At the request of the state agency, and at any time after the payment for reimbursement is due, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

Sec. 118. NRS 459.765 is hereby amended to read as follows:

459.765 Any reimbursement and penalty recovered by the Attorney General from a person responsible for hazardous material involved in a spill or accident **or motor vehicle crash** must be deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials.

Sec. 119. NRS 459.770 is hereby amended to read as follows:

459.770 Any county or city in this State may adopt an ordinance authorizing its legal representative to initiate recovery by legal action from the person responsible for any hazardous material involved in a spill, ~~for~~ accident **or motor vehicle crash** of the amount of any costs incurred by the county or city in responding to the spill of or accident **or motor vehicle crash** involving hazardous material.

Sec. 120. NRS 459.773 is hereby amended to read as follows:

459.773 1. The State Fire Marshal shall, in cooperation with local fire departments, develop a reference guide for use by state and local personnel who respond to accidents, **motor vehicle crashes** and incidents involving hazardous materials. The reference guide must provide information which is readily accessible regarding procedures for responding to the first critical moments of an accident, **motor vehicle crash** or incident involving hazardous materials.

2. The State Fire Marshal shall make available, upon request, the reference guide developed pursuant to subsection 1 to local governments, state and local personnel who respond to accidents, **motor vehicle crashes** and incidents involving hazardous materials and students enrolled in training programs for responding to accidents, **motor vehicle crashes** and incidents involving hazardous materials.

Sec. 121. NRS 459.930 is hereby amended to read as follows:

459.930 1. Notwithstanding any other provision of law to the contrary and regardless of whether he or she is a participant in a program, a person who:

(a) Is a bona fide prospective purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, 459.400 to 459.600, inclusive, or any other applicable provision of law.

(b) Is an innocent purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to

NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, 459.400 to 459.600, inclusive, or any other applicable provision of law.

(c) Owns real property that:

(1) Is contiguous to or otherwise similarly situated with respect to; and

(2) Is or may be contaminated by a release or threatened release of a hazardous substance from,

➔ other real property that the person does not own, is not liable for any response action or cleanup that may be required with respect to the release or threatened release, provided that the person meets the requirements set forth in section 107(q)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(q)(1).

2. A person described in paragraph (a), (b) or (c) of subsection 1 shall report to the Division, in a manner prescribed by the Commission:

(a) Any of the following substances that are found on or at real property owned by the person:

(1) Hazardous substances at or above the required reporting levels designated pursuant to sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9602 and 9603; and

(2) Petroleum products of such type and in such amount as are required by the Division to be reported; and

(b) Any response action or cleanup that has been performed with respect to the real property described in paragraph (a).

3. The provisions of this section do not otherwise limit the authority of the Administrator, the Commission or the Division to require any person who is responsible for the contamination or pollution of real property, by improperly managing hazardous substances at or on that real property, to perform a response action or cleanup with respect to that real property.

4. If there are costs relating to a response action or cleanup that are incurred and unrecovered by the State of Nevada with respect to real property for which a bona fide prospective purchaser of the real property is not liable pursuant to the provisions of this section, the State of Nevada:

(a) Has a lien against that real property in an amount not to exceed the increase in the fair market value of the real property that is attributable to the response action or cleanup, which increase in fair market value must be measured at the time of the sale or other disposition of the real property; or

(b) May, with respect to those incurred and unrecovered costs and by agreement with the bona fide prospective purchaser of the real property, obtain from that bona fide prospective purchaser:

(1) A lien on any other real property owned by the bona fide prospective purchaser; or

(2) Another form of assurance or payment that is satisfactory to the Administrator.

5. The provisions of this section:

(a) Do not affect the liability in tort of any party; and

(b) Apply only to real property that is acquired on or after the date that is 60 days after May 26, 2003.

6. As used in this section:

(a) “Administrator” means the Administrator of the Division.

(b) “Bona fide prospective purchaser” has the meaning ascribed to it in section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601(40).

(c) “Commission” means the State Environmental Commission.

(d) “Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(e) “Hazardous substance” has the meaning ascribed to it in NRS 459.620.

(f) “Innocent purchaser” means a person who qualifies for the exemption from liability set forth in section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(b)(3).

(g) “Participant” has the meaning ascribed to it in NRS 459.622.

(h) “Program” means a program of voluntary cleanup and relief from liability set forth in NRS 459.610 to 459.658, inclusive.

(i) “Response action” means any action to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident **or motor vehicle crash** involving a hazardous substance, including, without limitation, any action to:

(1) Contain and dispose of the hazardous substance;

(2) Clean and decontaminate the area affected by the leak, spill, ~~for~~ accident ~~or~~ **or crash**; or

(3) Investigate the occurrence of the leak, spill, ~~for~~ accident ~~or~~ **or crash**.

Sec. 122. NRS 590.615 is hereby amended to read as follows:

590.615 When the Board finds, under such conditions as may arise, a variation from its rules, regulations or specifications which does not impair the safety of the public and persons using the materials which would otherwise be secure by compliance with such rules, regulations or specifications, the Board may, upon written application, consideration and investigation, grant a variance from the terms of the rules, regulations or specifications on such conditions as it may specify to insure the safety of the public and persons using the materials or services. In granting the variance, the Board shall take into consideration one or more of the following circumstances or conditions and the application shall specify which of them are relied upon:

1. The purpose and meaning embodied in the regulation from which the variance is requested and its relative importance in balancing the interests of the licensee and the community or public.

2. The reasons why the rules, regulations or specifications cannot be complied with.

3. If a consumer tank is involved, whether or not a fire hazard will be created or is maintained.

4. The openings which may or may not be made into any buildings below any regulator or container vents.

5. Whether or not the adjacent walls or exposures are fireproof.

6. Whether or not the installation will be safe in the event the variance is allowed.

7. Whether or not the installation will be exposed to ~~collision~~ **crashes** by moving vehicles.

8. Any other factors or considerations which impose a hardship on the licensee or which the Board deems appropriate for the granting of a variance.

Sec. 123. NRS 618.015 is hereby amended to read as follows:

618.015 1. It is the purpose of this chapter to provide safe and healthful working conditions for every employee by:

(a) Establishing regulations;

(b) Effectively enforcing such regulations;

(c) Educating and training employees; and

(d) Establishing reporting procedures for job-related accidents , **motor vehicle crashes** and illnesses.

2. The Legislature finds that such safety and health in employment is a matter greatly affecting the public interest of this State.

Sec. 124. NRS 618.378 is hereby amended to read as follows:

618.378 1. Any accident **or motor vehicle crash** occurring in the course of employment which is fatal to one or more employees or which results in the hospitalization of three or more employees must be reported by the employer orally to the nearest office of the Division within 8 hours after the time that the accident **or crash** is reported to any agent or employee of the employer. A report submitted to the Division pursuant to the provisions of this subsection must include:

(a) The name of the employer;

(b) The location and time of the accident ~~or~~ **or crash;**

(c) The number of employees killed or hospitalized as a result of the accident ~~or~~ **or crash;**

(d) A brief description of the accident ~~or~~ **or crash;** and

(e) The name of a person who may be contacted by the Division for further information.

➡ Upon receipt of such a report, the Division shall notify the employer of the estimated time that the Division's investigator will arrive at the site of the accident ~~or~~ **or crash**. The Division shall initiate an investigation at the site of the accident **or crash** within 8 hours after receiving the report.

2. An industrial insurer shall provide to the Division a monthly report setting forth the number, type and severity of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. The report must identify the employer and be sorted according to the employer's Standard Industrial Classification or classification for the purposes of industrial insurance. The Division shall by regulation prescribe the form for the report made pursuant to this subsection. As used in this subsection,

“industrial insurer” has the meaning ascribed to the term “insurer” in NRS 616A.270.

3. All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.

4. The Division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as the Assistant Secretary of Labor may from time to time require.

5. Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the Division.

Sec. 125. NRS 618.3785 is hereby amended to read as follows:

618.3785 1. If an accident ***or motor vehicle crash*** occurs in the course of employment which is fatal to one or more employees or which results in the hospitalization of three or more injured employees, the Division shall, as soon as practicable:

(a) Provide to each injured employee, the immediate family of each deceased or injured employee and each representative of each deceased or injured employee a written description of the rights of such persons with regard to an investigation of the accident ~~§~~ ***or crash***; and

(b) Notify each injured employee, the immediate family of each deceased or injured employee and each representative of each deceased or injured employee of:

(1) The commencement by the Division of any investigation of the accident ~~§~~ ***or crash***;

(2) The result of any informal conference between the employer and the Division;

(3) The finalization of any agreement between an employer and the Division which formally settles an issue related to the accident ~~§~~ ***or crash***;

(4) The issuance of any citation under the provisions of this chapter related to the accident ~~§~~ ***or crash***;

(5) The receipt by the Division of notice from an employer that the employer wishes to contest or appeal any action or decision of the Division which relates to the accident ~~§~~ ***or crash***; and

(6) The completion by the Division and, if applicable, the Board of any investigation of the accident ***or crash*** and any proceeding related to the accident ~~§~~ ***or crash***.

2. As used in this section, “representative of each deceased or injured employee” means:

(a) A person previously identified to the Division as an authorized representative of the employee bargaining unit of a labor organization which has a collective bargaining relationship with the employer of the employee and represents the employee.

(b) An attorney acting on behalf of the employee.

(c) A person designated by a court to act as the official representative for the employee or the estate of the employee.

Sec. 126. NRS 618.379 is hereby amended to read as follows:

618.379 1. Except as otherwise provided in subsection 2, if any accident **or motor vehicle crash** occurring in the course of employment is fatal to one or more employees or results in the hospitalization of three or more employees, and is caused, in whole or in part, by any equipment located at the site of the accident ~~if~~ **or crash**, no person may dismantle or otherwise move that equipment until the Division has investigated the accident **or crash** and has authorized the dismantling or removal of the equipment.

2. The provisions of subsection 1 do not apply if the dismantling or removal of the equipment is necessary to free any person trapped by the equipment or to ensure the safety of or to prevent further injury to any person. If any equipment is dismantled or moved to free a trapped person, the equipment may be dismantled or moved only to the extent necessary to free the person.

3. Upon the occurrence of an accident **or crash** described in subsection 1, the employer of an injured employee shall, upon the arrival of an investigator of the Division at the site of the accident ~~if~~ **or crash**, make available for questioning in a reasonable amount of time any person employed by the employer who is determined by the investigator to be necessary for the completion of the investigation, including the immediate supervisor of any injured employee and any employee who witnessed the accident ~~if~~ **or crash**.

4. As used in this section, "accident **or motor vehicle crash** occurring in the course of employment" does not include:

(a) An accident **or crash** involving a motor vehicle that is being operated on a public highway in this State.

(b) A homicide committed at an employer's place of business.

Sec. 127. NRS 618.475 is hereby amended to read as follows:

618.475 1. If, after an inspection or investigation, the Division issues a citation under the provisions of this chapter, it shall, within a reasonable time after the termination of the inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under this chapter and that the employer has 15 working days within which to notify the Division that the employer wishes to contest the citation or proposed assessment of penalty. If, within 15 working days from the receipt of the notice issued by the Division, the employer fails to notify the Division that the employer intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under this chapter within such time, the citation and assessment as proposed shall be deemed a final order of the review board and not subject to review by any court or agency. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that the abatement has not been completed because of factors beyond the reasonable control of the employer, the Division

shall issue an order affirming or modifying the abatement requirements in the citation.

2. In the case of an accident **or motor vehicle crash** occurring in the course of employment which is fatal to one or more employees, if an employer notifies the Division that the employer wishes to contest a citation or proposed assessment of penalty, the Division shall provide the Board with information as to how to contact the immediate family of each deceased employee.

3. Any employee or the representative of the employee alleging that the time fixed in the citation for the abatement of a violation by his or her employer is unreasonable may, within 15 working days after the date of posting of the notice of abatement pursuant to this chapter, file an appeal with the Division to contest the reasonableness of the period of time for abatement of the violation and must be notified in writing as to the time and place of hearing before the review board.

4. If no appeal is filed by an employee or the representative of the employee under subsection 2 of this section within the time limit of 15 working days, the period of time fixed for the abatement of the violation is final and not subject to review by any court or the review board.

Sec. 128. NRS 618.480 is hereby amended to read as follows:

618.480 1. During an investigation of an accident **or motor vehicle crash** occurring in the course of employment which is fatal to one or more employees, the Division shall use its best efforts to interview the immediate family of each deceased employee to obtain any information relevant to the investigation, including, without limitation, information which the deceased employee shared with the immediate family.

2. If, after the investigation of the accident ~~is~~ **or crash**, the Division issues a citation under the provisions of this chapter, the Division shall offer to enter into a discussion with the immediate family of each deceased employee within a reasonable time after the Division issues the citation.

3. During the discussion described in subsection 2, the Division shall provide each family with:

- (a) Information regarding the citation and abatement process;
- (b) Information regarding the means by which the family may obtain a copy of the final incident report and abatement decision of the Division; and
- (c) Any other information that the Division deems relevant and necessary to inform the family of the outcome of the investigation by the Division.

Sec. 129. NRS 618.605 is hereby amended to read as follows:

618.605 1. Upon the receipt of any written appeal or notice of contest under NRS 618.475, the Division shall within 15 working days notify the Board of such an appeal or contest.

2. The Board shall hold a formal fact-finding hearing and render its decision based on the evidence presented at the hearing.

3. Prior to any formal fact-finding hearing involving a citation for an accident **or motor vehicle crash** occurring in the course of employment which

is fatal to one or more employees, the Board shall notify the immediate family of each deceased employee of:

- (a) The time and place of the hearing; and
- (b) The fact that the hearing is open to the public.

4. Any employee of an employer or representative of the employee may participate in and give evidence at the hearing, subject to rules and regulations of the Board governing the conduct of such hearings.

Sec. 130. NRS 634.018 is hereby amended to read as follows:

634.018 “Unprofessional conduct” means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising, by any form of public communication, a chiropractic practice:

(a) Using grossly improbable statements; or

(b) In any manner that will tend to deceive, defraud or mislead the public.

➡ As used in this subsection, “public communication” includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians’ Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee’s designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence,

including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle ~~accident,~~ **crash**, involved in a work-related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) “Designated agent” means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) “Solicitation” means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractor’s assistant unless the person has been issued a certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

Sec. 131. NRS 648.012 is hereby amended to read as follows:

648.012 “Private investigator” means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, including, without limitation, through the review, analysis and investigation of computerized data not available to the public, information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents , **motor vehicle crashes** or damage or injury to persons or to property;

4. A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

5. Securing evidence to be used before any court, board, officer or investigating committee; or

6. The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

Sec. 131.3. Chapter 679A of NRS is hereby amended by adding a new section to read as follows:

The term "crash" has the same meaning as an incident or event previously referred to as an "accident" when used in reference to motor vehicles.

Sec. 132. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to the insured under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. Except as otherwise provided in subsection 5, insurance companies transacting motor vehicle insurance in this State must offer, on a form approved by the Commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer which the insured is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator. If an insured suffers actual damages subject to the limitation of liability provided pursuant to NRS 41.035, underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer for the actual damages suffered by the insured that exceed that limitation of liability.

3. An insurance company transacting motor vehicle insurance in this State must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from ~~an accident~~ **a crash**. The offer must be made on a form approved by the Commissioner. The insurer is not required to reoffer the coverage to the insured in any

replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage.

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, “damages” means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist’s policy of casualty insurance.

5. An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.

6. As used in this section:

(a) “Excess policy” means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

(b) “Passenger car” has the meaning ascribed to it in NRS 482.087.

(c) “Umbrella policy” means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.

Sec. 133. NRS 690B.020 is hereby amended to read as follows:

690B.020 1. Except as otherwise provided in this section and NRS 690B.035, no policy insuring against liability arising out of the ownership, maintenance or use of any motor vehicle may be delivered or issued for delivery in this State unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages, from owners or operators of uninsured or hit-and-run motor vehicles, for bodily injury, sickness or disease, including death, resulting from the ownership, maintenance or use of the uninsured or hit-and-run motor vehicle. No such coverage is required in or supplemental to a policy issued to the State of Nevada or any political subdivision thereof, or where rejected in writing, on a form furnished by the insurer describing the coverage being rejected, by an insured named therein, or upon any renewal of such a policy unless the coverage is then requested in writing by the named insured. The coverage required in this section may be referred to as “uninsured vehicle coverage.”

2. The amount of coverage to be provided must be not less than the minimum limits for liability insurance for bodily injury provided for under chapter 485 of NRS, but may be in an amount not to exceed the coverage for bodily injury purchased by the policyholder.

3. For the purposes of this section, the term “uninsured motor vehicle” means a motor vehicle:

(a) With respect to which there is not available at the Department of Motor Vehicles evidence of financial responsibility as required by chapter 485 of NRS;

(b) With respect to the ownership, maintenance or use of which there is no liability insurance for bodily injury or bond applicable at the time of the ~~accident~~ **crash** or, to the extent of such deficiency, any liability insurance for bodily injury or bond in force is less than the amount required by NRS 485.210;

(c) With respect to the ownership, maintenance or use of which the company writing any applicable liability insurance for bodily injury or bond denies coverage or is insolvent;

(d) Used without the permission of its owner if there is no liability insurance for bodily injury or bond applicable to the operator;

(e) Used with the permission of its owner who has insurance which does not provide coverage for the operation of the motor vehicle by any person other than the owner if there is no liability insurance for bodily injury or bond applicable to the operator; or

(f) The owner or operator of which is unknown or after reasonable diligence cannot be found if:

(1) The bodily injury or death has resulted from physical contact of the automobile with the named insured or the person claiming under the named insured or with an automobile which the named insured or such a person is occupying; and

(2) The named insured or someone on behalf of the named insured has reported the ~~accident~~ **crash** within the time required by NRS 484E.030, 484E.040 or 484E.050 to the police department of the city where it occurred or, if it occurred in an unincorporated area, to the sheriff of the county or to the Nevada Highway Patrol.

4. For the purposes of this section, the term “uninsured motor vehicle” also includes, subject to the terms and conditions of coverage, an insured other motor vehicle where:

(a) The liability insurer of the other motor vehicle is unable because of its insolvency to make payment with respect to the legal liability of its insured within the limits specified in its policy;

(b) The occurrence out of which legal liability arose took place while the uninsured vehicle coverage required under paragraph (a) was in effect; and

(c) The insolvency of the liability insurer of the other motor vehicle existed at the time of, or within 2 years after, the occurrence.

➤ Nothing contained in this subsection prevents any insurer from providing protection from insolvency to its insureds under more favorable terms.

5. If payment is made to any person under uninsured vehicle coverage, and subject to the terms of the coverage, to the extent of such payment the insurer is entitled to the proceeds of any settlement or recovery from any person

legally responsible for the bodily injury as to which payment was made, and to amounts recoverable from the assets of the insolvent insurer of the other motor vehicle.

6. A vehicle involved in a ~~collision~~ **crash** which results in bodily injury or death shall be presumed to be an uninsured motor vehicle if no evidence of financial responsibility is supplied to the Department of Motor Vehicles in the manner required by chapter 485 of NRS within 60 days after the ~~collision~~ **crash** occurs.

Sec. 134. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in ~~an accident~~ **a crash** involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) 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.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An

insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 135. NRS 695B.220 is hereby amended to read as follows:

695B.220 Blanket hospital or blanket medical or dental service contracts may be issued to a college or school or to the head or principal thereof or to the governing board of any school district providing for services to pupils of such schools when such services are required as the result of accident **or motor vehicle crash** to such pupils while they are required to be in or on buildings or other premises of the school or district during the time they are required to be therein or thereon by reason of their attendance upon a college or regular day school or any regular day school of a school district or while being transported to and from school or other place of instruction. No pupil shall be compelled to accept such service without the consent of a parent or guardian of the pupil.

Sec. 136. NRS 704.140 is hereby amended to read as follows:

704.140 1. It is unlawful for any person engaged in business as a public utility to give or furnish to any state, district, county or municipal officer of this State, or to any person other than those named herein, any pass, frank, free or reduced transportation, or for any state, district, county or municipal officer to accept any pass, frank, free or reduced transportation.

2. This section does not prevent the carriage, storage or hauling of property free or at reduced rates for the United States, the State of Nevada or any political subdivision thereof for charitable purposes.

3. This chapter does not prohibit a public utility from giving free or reduced rates for transportation of:

(a) Its own officers, commission agents, employees, attorneys, physicians and surgeons and members of their families, and pensioned ex-employees and ex-employees with disabilities, their minor children or dependents, or witnesses attending any legal investigation in which such carrier is interested.

(b) Inmates of hospitals or charitable institutions and persons over 65 years of age.

(c) Persons with physical or mental disabilities who present a written statement from a physician to that effect.

(d) Persons injured in accidents or ~~wrecks~~ **motor vehicle crashes** and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster, or for contractors and their employees, in carrying out their contract with such carrier.

(f) Peace officers when on official duty.

(g) Attendants of livestock or other property requiring the care of an attendant, including return passage to the place of shipment, if there is no discrimination among such shippers of a similar class.

(h) Employees of other carriers subject to regulation in any respect by the Commission, or for the officers, agents, employees, attorneys, physicians and surgeons of such other carriers, and the members of their families.

4. This chapter does not prohibit public utilities from giving reduced rates for transportation to:

(a) Indigent, destitute or homeless persons, when under the care or responsibility of charitable societies, institutions or hospitals, and the necessary agents employed in such transportation.

(b) Students of institutions of learning.

5. "Employees," as used in this section, includes furloughed, pensioned and superannuated employees, and persons who have become disabled or infirm in the service of any such carrier, and persons traveling for the purpose of entering the service of any such carrier.

6. Any person violating the provisions of this section shall be punished by a fine of not more than \$500.

Sec. 137. NRS 704.190 is hereby amended to read as follows:

704.190 1. Every public utility operating in this State shall, whenever an accident **or motor vehicle crash** occurs in the conduct of its operation causing death, give prompt notice thereof to the Commission, in such manner and within such time as the Commission may prescribe. If, in its judgment, the public interest requires it, the Commission may cause an investigation to be made forthwith of any accident ~~that~~ **or crash**, at such place and in such manner as the Commission deems best.

2. Every such public utility shall report to the Commission, at the time, in the manner and on such forms as the Commission by its printed rules and regulations prescribes, all accidents **or crashes** happening in this State and occurring in, on or about the premises, plant, instrumentality or facility used by any such utility in the conduct of its business.

3. The Commission shall adopt all reasonable rules and regulations necessary for the administration and enforcement of this section. The rules and regulations must require that all accidents **or crashes** required to be reported pursuant to this section be reported to the Commission at least once every calendar month by such officer or officers of the utility as the Commission directs.

4. The Commission shall adopt and utilize all accident **and crash** report forms, which must be so designed as to provide a concise and accurate report of the accident ~~that~~ **or crash**. The report must show the true cause of the accident ~~that~~ **or crash**. The accident report forms adopted for the reporting of railroad accidents must, as near as practicable, be the same in design as the railroad accident report forms provided and used by the Surface Transportation Board.

5. If any accident **or crash** is reported to the Commission by the utility as being caused by or through the negligence of an employee and thereafter the employee is absolved from such negligence by the utility and found not to be responsible for the accident ~~that~~ **or crash**, that fact must be reported by the utility to the Commission.

6. Each accident report required to be made by a public utility pursuant to this section must be filed in the office of the Commission and there preserved. Each accident **or crash** report required to be made by a public utility pursuant to this chapter and each report made by the Commission pursuant to its investigation of any accident ~~that~~ **or crash**:

(a) Except as otherwise provided in subsection 2 of NRS 703.190, must be open to public inspection; and

(b) Notwithstanding any specific statute to the contrary, must not, in whole or in part, be admitted as evidence or used for any purpose in any suit or action for damages arising out of any matter mentioned in:

(1) The accident **or crash** report required to be made by the public utility; or

(2) The report made by the Commission pursuant to its investigation.

Sec. 138. NRS 704.300 is hereby amended to read as follows:

704.300 1. After an investigation initiated either upon the Commission's own motion or as the result of the filing of a formal application or complaint by the Department of Transportation, the board of county commissioners of any county, the town board or council of any town or municipality, or any railroad company, the Commission may order for the safety of the traveling public:

(a) The elimination, alteration, addition or change of a highway crossing or crossings over any railroad at grade, or above or below grade, including its approaches and surface.

(b) Changes in the method of crossing at grade, or above or below grade.

(c) The closing of a crossing and the substitution of another therefor.

(d) The removal of obstructions to the public view in approaching any crossing.

(e) Such other details of use, construction and operation as may be necessary to make grade-crossing elimination, changes and betterments for the protection of the public and the prevention of accidents **and motor vehicle crashes** effective.

2. The Commission shall order that the cost of any elimination, removal, addition, change, alteration or betterment so ordered must be divided and paid in such proportion by the State, county, town or municipality and the railroad or railroads interested as is provided according to the circumstances occasioning the cost in NRS 704.305.

3. If the Commission chooses to conduct a hearing before issuing an order pursuant to subsection 1, all costs incurred by reason of the hearing, including, but not limited to, publication of notices, reporting, transcripts and rental of hearing room, must be apportioned 50 percent to the governmental unit or units affected and 50 percent to the railroad or railroads.

Sec. 139. NRS 705.090 is hereby amended to read as follows:

705.090 1. No railway corporation engaged in the transportation of horses, sheep, cattle, swine or other animals between points situated within this state shall confine or cause the same to be confined in cars or other vehicles of any description for a period longer than 28 consecutive hours without unloading the same for rest, water and feeding during 5 consecutive hours, unless prevented by storm, **motor vehicle crash** or inevitable accident.

2. In estimating such confinement, the time during which the animals have been confined without rest on connecting roads from which they are received must be computed.

3. The time of confinement prescribed in this section may be extended to 36 hours upon the written request of the owner or the person in custody of a particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form. The request for extension of time shall be made to the conductor of the train, the agent or other authorized agent of the railroad company over which the livestock is being transported.

Sec. 140. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause ~~an accident~~ **a crash** or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause ~~an accident~~ **a crash** or a breakdown; and

(b) Has been declared “out of service” by an authorized employee of the Authority, the Department of Motor Vehicles or the Department of Public Safety.

➔ When the repairs have been made, the carrier shall so certify to the Authority or the department that declared the vehicle “out of service,” as required by the Authority or that department.

Sec. 141. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier under the jurisdiction of the Authority shall forthwith report each ~~accident~~ **crash** occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the ~~accident~~ **crash** occurred. If the ~~accident~~ **crash** immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the ~~accident~~ **crash**, shall furnish to the Authority such detailed report thereof as required by the Authority.

2. All ~~{accident}~~ **crash** reports required in this section must be filed in the office of the Authority and there preserved. ~~{An accident}~~ **A crash** report made as required by this chapter, or any report of the Authority made pursuant to any ~~{accident}~~ **crash** investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the Authority. The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the ~~{accident}~~ **crash** report or report of any such investigation.

Sec. 142. NRS 706.303 is hereby amended to read as follows:

706.303 The Authority shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one ~~{accident}~~ **crash**, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one ~~{accident}~~ **crash**, \$500,000; and

(c) For injury to or destruction of property in any one ~~{accident}~~ **crash**, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one ~~{accident}~~ **crash**, \$500,000.

Sec. 143. NRS 706.305 is hereby amended to read as follows:

706.305 The Authority shall adopt regulations requiring all operators of taxicabs subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each taxicab. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one ~~{accident}~~ **crash**, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one ~~{accident}~~ **crash**, \$500,000; and

(c) For injury to or destruction of property in any one ~~{accident}~~ **crash**, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one ~~{accident}~~ **crash**, \$500,000.

Sec. 144. NRS 706.3056 is hereby amended to read as follows:

706.3056 1. In lieu of the insurance against liability required by the regulations adopted pursuant to NRS 706.305, an operator of a taxicab may deposit with the Department:

(a) Any security in the amount of \$500,000; or

(b) An amount equal to 110 percent of the average annual costs of claims incurred by the operator for ~~accidents~~ **crashes** involving motor vehicles during the immediately preceding 3 years,

↪ whichever is less, but in no event may the deposit be less than \$250,000. The security deposited may be in any form authorized by NRS 706.3058. The Department shall not accept a deposit unless it is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

2. An operator of a taxicab depositing money with the Department pursuant to subsection 1, shall authorize payments from the deposit in the amounts and under the same circumstances as would be required in a contract of insurance against liability which is in compliance with the regulations adopted pursuant to NRS 706.305.

3. Any security deposited must be used to satisfy any judgment obtained against the depositor which is final and has not been paid within 30 days after the date of the judgment, unless otherwise ordered by the court issuing the judgment. A depositor, within 24 hours after receiving notice that the security has been used to satisfy a judgment obtained against the depositor, shall deposit with the Department an amount which is necessary to maintain with the Department the amount required by subsection 1. The failure to maintain the full amount required by subsection 1 is a ground for the cancellation of the depositor's certificate of self-insurance.

4. Any money collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to a separate account in the State General Fund and used for payments authorized pursuant to subsection 2 or to refund money paid by an operator of a taxicab who is no longer participating in a program of self-insurance.

Sec. 145. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this State or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons with physical or mental disabilities who present a written statement from a physician to that effect.

(d) Persons injured in accidents or ~~four weeks~~ **motor vehicle crashes** and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning, including, without limitation, homeless students, whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by them, or pensioned former employees or former employees with disabilities, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this State.

5. This section does not prohibit the Authority from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the Authority to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, "employees" includes:

(a) Furloughed, pensioned and superannuated employees.

(b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 146. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following ~~an accident~~ **a crash** involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

- (1) Of the location where the motor vehicle is being stored;
- (2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;
- (3) Of the charge for towing and storage;
- (4) Of the date and time the vehicle was placed in storage;
- (5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and
- (6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and 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 State or any other state within:

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following ~~an accident~~ **a crash** involving the motor vehicle; or

(2) Fifteen days after placing any other motor vehicle in storage.

➡ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.

2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following ~~an accident~~ **a crash** involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,
➡ unless the operator complies with the requirements set forth in subsection 1.

3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following ~~an accident~~ **a crash** involving the motor vehicle or after having been stolen and subsequently recovered, the operator shall not:

(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or

(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.

Sec. 147. NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after ~~an accident~~ **a crash** 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 NRS 706.4489 constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 148. NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

(a) Following ~~an accident~~ **a crash**; or

(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 following ~~an accident~~ **a crash** or 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) 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 standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;
- (c) Comply with all local laws and ordinances 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
- (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. 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 those rates and charges 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 towed at the request of a law enforcement officer following ~~an accident~~ **a crash** 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. 149. NRS 706.8828 is hereby amended to read as follows:

706.8828 1. Except as otherwise provided in subsection 4, a certificate holder shall file with the Administrator, and keep in effect at all times, a policy of insurance with an insurance company licensed to do business in the State of Nevada.

2. The insurance policy specified in subsection 1 must:

(a) Provide the following coverage:

For injury to one person in any one ~~accident~~ **crash** \$100,000

For injury to two or more persons in any one ~~accident~~ **crash**.. 300,000

For property damage in any one ~~accident~~ **crash** 10,000

(b) Contain a clause which states substantially that the insurance carrier may only cancel the policy upon 30 days' written notice to the certificate holder and Administrator; and

(c) Contain such other provisions concerning notice as may be required by law to be given to the certificate holder.

3. If an insurance policy is cancelled, the certificate holder shall not operate or cause to be operated any taxicab that was covered by the policy until other insurance is furnished.

4. A certificate holder to whom the Department of Motor Vehicles has issued a certificate of self-insurance may self-insure the coverage required by subsection 2.

Sec. 150. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall revise any provisions of any bill or resolution enacted during the 78th Regular Session of the Nevada Legislature which uses the term “accident” as that term is replaced or amended pursuant to the provisions of this act to cause the term to be replaced or amended in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term “accident” is replaced with the term “crash” or “motor vehicle crash,” or the term “accident” is amended by adding the term “or motor vehicle crash,” as applicable, as provided for in this act.

Sec. 150.5. 1. This act shall be construed as making amendments to provisions of state law for the purpose of substituting the term “crash,” or a variation of that term, for the term “accident,” or a variation of that term, when used in reference to motor vehicles without any intent of the Nevada Legislature to change the coverage, eligibility, liability, penalties, rights or responsibilities conferred by or otherwise resulting from the amendatory provisions of this act.

2. Any judicial interpretation of a state law that is rendered, issued or entered before January 1, 2016, and which includes an interpretation of the term “accident,” or a variation of that term, which is amended by or as a result of this act to refer instead to the term “crash,” or a variation of that term, shall be deemed to have the same meaning as though the term had remained unchanged.

Sec. 151. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblymen Wheeler and Carlton.

ASSEMBLYMAN WHEELER:

Amendment 808 makes two changes to Senate Bill 188. It provides that for purposes of the Nevada Insurance Code, Title 57 of NRS, the terms “accident” and “crash” as they are used in reference to motor vehicles have the same meaning. It also provides that the amendatory provisions of the bill shall be construed as nonsubstantive and clarifies that it is not the intent of

the Nevada Legislature to modify any existing application, construction, or interpretation of any statute which has been so amended.

ASSEMBLYWOMAN CARLTON:

I am curious about why we would change the language but not have the language be the same in the insurance policies. I know we are saying we are going to call it one thing and the insurance industry can call it another, but Title 57 is already confusing enough as it is. I get complaints about it from my constituents all the time. I just got a phone call last week about somebody who was totally confused about their car insurance. So to have the statutory language say one thing and the insurance policy say another—if we are going to have the expense at the state to change all the NRS, why would we not ask the folks upon the issuance of a new policy to have the same language that the state is using?

ASSEMBLYMAN WHEELER:

The idea of not changing the language is for past policies and documents. In the future, the insurance companies have ensured that they will actually change the language, but they do not wish to reprint all of the materials they have out there right now as the cost would be prohibitive.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Speaker, and that is my point exactly. We are going to have to reprint a bunch of stuff, too.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 809.

AN ACT relating to drivers' licenses; revising provisions governing the submission of documents required to declare veteran status when applying for or renewing an instruction permit, ~~for a~~ driver's license, ~~for~~ **commercial driver's license or identification card**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a veteran who has been honorably discharged from the Armed Forces of the United States may have a designation of that veteran status placed on his or her instruction permit, ~~for a~~ driver's license, ~~for~~ **or identification card**. Such a veteran must, upon application for initial issuance or renewal of the permit or license, submit to the Department of Motor Vehicles 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 he or she has been honorably discharged from the Armed Forces of the United States. (NRS 483.292 ~~to this~~, **483.852**) **Sections 1.1 and 1.3 of this bill** ~~removes~~ **remove** the requirement to specifically provide a DD Form 214 and instead ~~provides~~ **provide** that the veteran must submit evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States to have a designation of that veteran status placed on his or her instruction permit, ~~for a~~ license, ~~for~~ **or identification card**. **Section 1 of this bill provides that an**

applicant for or a holder of a commercial driver's license may have a designation of veteran status placed on his or her commercial driver's license under the same protocol as provided for an instruction permit, driver's license or identification card.

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 a new section to read as follows:

1. A person who wishes to have placed on his or her commercial driver's license a designation that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 2 must:

(a) If applying for the initial issuance of a commercial driver's license, appear in person at an office of the Department and submit evidence satisfactory to the Department that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of a commercial driver's license upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person an honorable discharge or other document of honorable separation from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the commercial driver's license to continue to designate that the person is a veteran.

2. Upon the request of a person that his or her commercial driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 1, and who satisfies the requirements of that subsection, the Department shall place on any commercial driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.

3. The Director shall determine the design and placement of the designation of veteran status required by this section on any commercial driver's license to which this section applies.

~~{Section 1.}~~ Sec. 1.1. 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 483.291 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:

(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 of Motor Vehicles to provide to the Department 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. 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 placed on his or her instruction permit or driver's license a designation that he or she is a veteran, as described in NRS 483.2925, 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 ~~his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating~~ **evidence satisfactory to the Department** 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 a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person ~~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~~ **an honorable discharge or other document of honorable separation** from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes 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 month:

(a) Compile a list of persons who have, during the immediately preceding month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that list to the Department of Veterans Services to be used for statistical and communication purposes.

Sec. 1.3. 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 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:

(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 of Motor Vehicles to provide to the Department 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. 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 placed on his or her identification card a designation that he or she is a veteran, as described in NRS 483.853, 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]~~ **evidence satisfactory to the Department** 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 a designation that the person is a veteran:

(1) Is not 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]~~ **an honorable discharge or other document of honorable separation** from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the identification card to continue to designate that the person is a veteran.

4. The Department shall, at least once each month:

(a) Compile a list of persons who have, during the immediately preceding month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that list to the Department of Veterans Services to be used for statistical and communication purposes.

Sec. 1.5. NRS 483.902 is hereby amended to read as follows:

483.902 The provisions of NRS 483.900 to 483.940, inclusive, **and section 1 of this act**, apply only with respect to commercial drivers' licenses.

Sec. 1.7. NRS 483.904 is hereby amended to read as follows:

483.904 As used in NRS 483.900 to 483.940, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Commercial driver's license" means a license issued to a person which authorizes the person to drive a class or type of commercial motor vehicle.

2. "Commercial Driver's License Information System" means the information system maintained by the Secretary of Transportation pursuant to 49 U.S.C. § 31309 to serve as a clearinghouse for locating information relating to the licensing, identification and disqualification of operators of commercial motor vehicles.

3. "Out-of-service order" means a temporary prohibition against:

(a) A person operating a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 395.13; or

(b) The operation of a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 396.9(c).

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 809 to Senate Bill 209 expands the provisions of the bill to include identification cards and commercial driver's licenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 721.

AN ACT relating to contractors; revising provisions relating to the liability of a prime contractor for indebtedness incurred by a subcontractor for labor costs; revising provisions governing the statute of limitations to bring an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor; revising provisions relating to mechanics' and materialmen's lien claimants; requiring an administrator of a Taft-Hartley trust that does not receive a benefit payment required to be made to the trust by a contractor or subcontractor to provide notice to the contractor and subcontractor that the benefit payment has not been received; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes an original contractor liable for any indebtedness incurred by a subcontractor for labor costs, including benefits payable to a trust established by a collective bargaining unit. (NRS 608.150) **Sections 1 and 3** of this bill provide that a prime contractor is not liable for the labor costs of a subcontractor to the extent those costs are: (1) interest, liquidated damages, attorney's fees or costs resulting from a subcontractor's failure to pay contributions or other payments to, or on behalf of, an employee; or (2) any amounts for which the prime contractor did not receive adequate notice in the manner that **section 5** of this bill requires. **Section 2** of this bill reduces the statute of limitations period applicable to commencing an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor.

Existing law also provides that a mechanics' or materialmen's lien claimant must provide a notice of right to lien to an owner of property upon which work has been performed unless the claimant is a person who only performed labor on the project. (NRS 108.245) **Section 4** of this bill requires a prime contractor

or subcontractor who participates in a health or welfare fund, or other plan for the benefit of employees, to provide to the fund or plan notice of the name and location of the project upon the commencement of work on a project. In addition, **section 4** excludes from the exemption to the notice provisions of NRS 108.245 an express benefit trust which receives a portion of the compensation paid to a laborer.

Section 5 requires an administrator of a Taft-Hartley trust that does not receive a benefit payment required to be made to the trust by a general contractor or subcontractor, within ~~60~~ **75** days after the required payment is deemed delinquent, to provide notice to the general contractor and subcontractor that the benefit payment has not been received.

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

Section 1. NRS 608.150 is hereby amended to read as follows:

608.150 1. ~~Every original~~ **Except as otherwise provided in subsections 2 and 3, every prime** contractor making or taking any contract in this State for the erection, construction, alteration or repair of any building or structure, or other work ~~of improvement~~, shall assume and is liable for the indebtedness for labor incurred by any subcontractor or any contractors acting under, by or for the ~~original~~ **prime** contractor in performing any labor, construction or other work included in the subject of the ~~original~~ **prime** contract, for labor, and for the requirements imposed by chapters 616A to 617, inclusive, of NRS.

2. **The provisions of subsection 1 do not require a prime contractor to assume or be liable for any liability of a subcontractor or other contractor for any penalty, including, without limitation, interest, liquidated damages, attorney's fees or costs for the failure of the subcontractor or other contractor to make any contributions or other payments under any other law or agreement, including, without limitation, to a health or welfare fund or any other plan for the benefit of employees in accordance with a collective bargaining agreement.**

3. **The provisions of subsection 1 do not require a prime contractor to assume or be liable for any liability of a subcontractor or other contractor for any amount for which the prime contractor did not receive proper notice in accordance with section 5 of this act.**

4. It is unlawful for any **prime** contractor ~~for any other person~~ to fail to comply with the provisions of subsection 1, or to attempt to evade the responsibility imposed thereby, or to do any other act or thing tending to render nugatory the provisions of this section.

~~3.~~ 5. The district attorney of any county wherein the defendant may reside or be found shall institute civil proceedings against any such ~~original~~ **prime** contractor failing to comply with the provisions of this section in a civil action for the amount of all wages and ~~damage~~ **benefits** that may be owing or have accrued as a result of the failure of any subcontractor acting under the

~~original~~ **prime** contractor, and any property of the ~~original~~ **prime** contractor, not exempt by law, is subject to attachment and execution for the payment of any judgment that may be recovered in any action under the provisions of this section.

6. As used in this section, “prime contractor” has the meaning ascribed to it in NRS 108.22164.

Sec. 2. NRS 11.209 is hereby amended to read as follows:

11.209 1. No action against a ~~principal~~ **prime** contractor for the recovery of wages due an employee of a subcontractor or contributions or premiums required to be made or paid on account of the employee may be commenced more than ~~1~~—

~~(a) Two years, **One** 1 year~~ ~~if the principal~~ **prime** contractor is located in Nevada; or

~~(b) Three years, **One hundred eighty days**, if the principal~~ **prime** contractor is located outside this state,

~~—~~ **1** after the date the employee should have received those wages from or those contributions or premiums should have been made or paid by the subcontractor.

2. No action against a ~~principal~~ **prime** contractor for the recovery of benefits due an employee of a subcontractor may be commenced more than ~~1~~—

~~(a) Three years, if the principal contractor is located in Nevada; or~~

~~(b) Four years, if the principal contractor is located outside this state,~~

~~—~~ **1 year** after the date the employee should have received those benefits from the subcontractor.

3. As used in this section, “prime contractor” has the meaning ascribed to it in NRS 108.22164.

Sec. 3. NRS 108.2214 is hereby amended to read as follows:

108.2214 1. “Lien claimant” means any person who provides work, material or equipment with a value of \$500 or more to be used in or for the construction, alteration or repair of any improvement, property or work of improvement. The term includes, without limitation, every artisan, builder, contractor, laborer, lessor or renter of equipment, materialman, miner, subcontractor or other person who provides work, material or equipment, and any person who performs services as an architect, engineer, land surveyor or geologist, in relation to the improvement, property or work of improvement.

2. As used in this section, “laborer” includes, without limitation, an express trust fund to which any portion of the total compensation of a laborer, including ~~1, without limitation,~~ any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer.

For the purposes of this subsection, “fringe benefit” does not include any interest, liquidated damages, attorney’s fees, costs or other penalties that may be incurred by the employer of the laborer for failure to pay any such compensation under any law or contract.

Sec. 4. NRS 108.245 is hereby amended to read as follows:

108.245 1. Except as otherwise provided in subsection 5, every lien claimant, other than one who performs only labor, who claims the benefit of NRS 108.221 to 108.246, inclusive, shall, at any time after the first delivery of material or performance of work or services under a contract, deliver in person or by certified mail to the owner of the property a notice of right to lien in substantially the following form:

NOTICE OF RIGHT TO LIEN

To:

(Owner's name and address)

The undersigned notifies you that he or she has supplied materials or equipment or performed work or services as follows:

.....
(General description of materials, equipment, work or services)

for improvement of property identified as (property description or street address) under contract with (general contractor or subcontractor). This is not a notice that the undersigned has not been or does not expect to be paid, but a notice required by law that the undersigned may, at a future date, record a notice of lien as provided by law against the property if the undersigned is not paid.

.....
(Claimant)

A subcontractor or equipment or material supplier who gives such a notice must also deliver in person or send by certified mail a copy of the notice to the prime contractor for information only. The failure by a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings against the subcontractor under chapter 624 of NRS but does not invalidate the notice to the owner.

2. Such a notice does not constitute a lien or give actual or constructive notice of a lien for any purpose.

3. No lien for materials or equipment furnished or for work or services performed, except labor, may be perfected or enforced pursuant to NRS 108.221 to 108.246, inclusive, unless the notice has been given.

4. The notice need not be verified, sworn to or acknowledged.

5. A prime contractor or other person who contracts directly with an owner or sells materials directly to an owner is not required to give notice pursuant to this section.

6. A lien claimant who is required by this section to give a notice of right to lien to an owner and who gives such a notice has a right to lien for materials or equipment furnished or for work or services performed in the 31 days before the date the notice of right to lien is given and for the materials or equipment

furnished or for work or services performed anytime thereafter until the completion of the work of improvement.

7. *Upon commencement of work on a project, any prime contractor or subcontractor participating in a health or welfare fund or any other plan for the benefit of employees is required to notify such fund or plan of the name and location of the project so that the fund or plan may protect potential lien rights under NRS 108.221 to 108.146, inclusive.*

8. *As used in this section, "one who performs only labor" does not include an express trust fund to which any portion of the total compensation of a laborer, including, without limitation, any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer.*

Sec. 5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If an administrator of a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) does not receive a benefit payment owed to the trust within ~~45~~ 60 days after the date on which the payment is deemed delinquent, the administrator shall provide a notice of the delinquency to the general contractor and, if applicable, the subcontractor, who is responsible for the benefit payment. The notice of delinquency must be provided in the manner set forth in subsections 2, 3 and 4.*

2. *The notice required pursuant to subsection 1 must be given to the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment, within 15 days after the expiration of the ~~45-day~~ 60-day period described in subsection 1.*

3. *The notice required pursuant to subsection 1 must be given to the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment, by electronic mail, telephone and:*

(a) Personal delivery; or

(b) Registered or certified mail, return receipt requested, to the last known address of the general contractor and, if applicable, the subcontractor.

4. *The notice required pursuant to subsection 1 must include, without limitation:*

(a) The amount owed;

(b) The name and address of the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment; and

(c) A demand for full payment of the amount not paid.

5. *For the purposes of this section, "general contractor" includes a prime contractor.*

Sec. 6. (Deleted by amendment.)

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 721 to Senate Bill 223 increases from 180 days to 1 year the amount of time during which an action may be taken against a prime contractor for the recovery of wages due an employee of a subcontractor or contributions or premiums required to be made or paid on account of the employee. The amendment also increases by 15 days the amount of time an administrator of a Taft-Hartley trust has to notice a general contractor of nonreceipt of benefit payments.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 822.

SUMMARY ~~{Disincorporates the City of Ely.}~~ **Provides for the submission of a certain advisory question to the voters of the City of Ely.**
(BDR S-709)

AN ACT relating to ~~{the City of Ely; disincorporating}~~ **elections; requiring that an advisory question be placed on the ballot at the general city election to be held in** the City ~~{and forming the Town}~~ of Ely ~~{,}~~ **asking whether the governments of White Pine County and the City of Ely should be combined;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~{disincorporates}~~ **requires that an advisory question be placed on the ballot at the general city election to be held in** the City of Ely ~~{and forms the Town of Ely, effective on July 1, 2018, if the voters of the City approve a ballot question on the issue at the June 6, 2017, general city election. If the voters approve the disincorporation of the City: (1) the Board of County Commissioners}~~ **on June 6, 2017, asking whether the governments** of White Pine County ~~{becomes the governing body of the newly formed Town; and (2) all money, property, assets, liabilities and indebtedness of}~~ **and** the City of Ely ~~{become the money, property, assets, liabilities and indebtedness of the Town of Ely, on July 1, 2018. This bill makes various other changes to facilitate the transition of the City to the Town.}~~ **should be combined.**

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

Section 1. ~~{1. The City of Ely is hereby disincorporated.~~
~~2. The Town of Ely is hereby created. The boundaries of the Town of Ely are coterminous with the boundaries of the City of Ely, as they existed on June 30, 2018.~~
~~3. Notwithstanding any provision of law to the contrary, the term of office of any elected officer of the City ends on June 30, 2018.}~~ **(Deleted by amendment.)**

Sec. 2. At the general city election held in the City of Ely on June 6, 2017, ~~to~~ an advisory question must be placed on the ballot in substantially the following form:

~~{Shall the City of Ely be disincorporated?}~~

Should the governments of White Pine County and the City of Ely be combined?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word “yes” or “no.”

Sec. 3. ~~If the question set forth in section 2 of this act is approved by the voters of the City of Ely:~~

~~1. All money, property, assets, liabilities and indebtedness of the City of Ely become the money, property, assets, liabilities and indebtedness of the Town of Ely on July 1, 2018;~~

~~2. On July 1, 2018:~~

~~(a) Except as otherwise provided in this paragraph, the Board of County Commissioners of White Pine County is the governing body of the Town of Ely. At any time on or after July 1, 2018;~~

~~(1) A town board may be established pursuant to NRS 269.016 to 269.022, inclusive;~~

~~(2) A citizens’ advisory council may be established pursuant to NRS 269.024 to 269.0248, inclusive; or~~

~~(3) A town advisory board may be established pursuant to NRS 269.576 or 269.577, as applicable, if the provisions of NRS 269.500 to 269.625, inclusive, become applicable to the Town pursuant to NRS 269.530;~~

~~(b) Any justice of the peace within the Town of Ely shall have jurisdiction to execute and complete all unfinished business standing on the court records of the City of Ely; and~~

~~(c) The provisions of chapter 269 of NRS apply to the Town of Ely;~~

~~3. Any property located within the City of Ely which was assessed and taxed by the City before disincorporation must continue to be assessed and taxed to pay for any indebtedness incurred by the City before disincorporation.~~

~~4. Before July 1, 2018, the Board of County Commissioners of White Pine County and the City Council of the City of Ely must perform all actions and preparatory administrative tasks necessary to facilitate the transition of the City of Ely to the Town of Ely.] (Deleted by amendment.)~~

Sec. 4. ~~{NRS 243.385 is hereby amended to read as follows:~~

~~243.385 After August 1, 1887, the county seat of White Pine County shall be located at the [City] Town of Ely in White Pine County.] (Deleted by amendment.)~~

Sec. 5. ~~{NRS 328.350 is hereby amended to read as follows:~~

~~328.350 1. The consent of the State of Nevada is hereby given, in accordance with Clause 17 of Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States of the following described land in this state as a site for a federal building at Ely: Lying and~~

being in the ~~[City] Town~~ of Ely, County of White Pine, State of Nevada; beginning at a point being the intersection of the westerly line of Fifth Street with the southerly line of Clark Street; running thence south 79°6' west 125 feet to a point in the south line of Clark Street; thence south 10°54' east 100 feet to a point in the north line of a 15 foot public alley; thence north 79°6' east 125 feet to a point in the west line of Fifth Street; thence north 10°54' west 100 feet to the point or place of beginning, being all of Lots 7, 8, 9, 10 and 11 of Block "V," as shown and delineated upon the map or plat of the Townsite of Ely, filed and recorded in the Office of the County Recorder of White Pine County, Nevada.

~~2. The exclusive jurisdiction in and over the land described is hereby ceded to the United States for all purposes, except the service thereon of all civil and criminal process of the courts of this state, but the jurisdiction so ceded shall continue no longer than the United States shall own such lands; and so long as the lands shall remain the property of the United States, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal assessment, taxation or other charges which may be levied or imposed under the authority of this state.] (Deleted by amendment.)~~

Sec. 6. ~~{1.}~~ This ~~{section and section 2 of this act become}~~ act becomes effective upon passage and approval.

~~{ 2. Section 2 of this act becomes effective on June 7, 2017, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.~~

~~3. Sections 1, 4 and 5 of this act become effective on July 1, 2018, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.}~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment removes most of the language of the bill and places an Advisory Question on the General Election Ballot in the City of Ely on June 6, 2017. The Advisory Question asks, "Should the governments of White Pine County and the City of Ely combine services?"

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 823.

AN ACT relating to construction; amending the amount of retainage authorized on public works; amending the retention amount ~~{and certain conditions relating to that amount}~~ authorized on private works of

improvement; extending existing provisions related to retainage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public body undertaking a public work to withhold as a retainage at least 5 percent from progress payments made to a contractor during the first half of the project. After completion of half of the project, the amount of the retainage becomes optional and any remaining progress payments or withheld retainage may be paid. (NRS 338.515) **Section 2** of this bill requires the amount of the retainage to be 5 percent.

Existing law provides that in private construction projects, not more than 10 percent of progress payments may be withheld from such payments as a retention amount by an owner to a contractor and from a contractor to a subcontractor, and that such funds must be paid upon satisfaction of certain criteria including the issuance of a certificate of occupancy by a building inspector. (NRS 624.609, 624.620, 624.624) **Sections 3 and 5** of this bill reduce the retention amount ~~[of retainage]~~ allowed on private construction projects from 10 percent to 5 percent. ~~[after completion of 50 percent of the project, except for horizontal construction projects, such as highways and bridges, which are subject to the 10 percent retainage limit throughout the duration of the project. Section 2.7 of this bill provides that an owner or higher-tiered contractor may increase the reduced retainage back to not more than 10 percent under certain circumstances.]~~ **Section 4** of this bill requires that retained funds be paid upon the issuance of a temporary certificate of occupancy. Finally, **section 6** of this bill repeals the expiration of certain provisions of existing law pertaining to retainage in public works which are set to expire on July 1, 2015. (NRS 338.515, 338.530, 338.555, 338.560, 338.595)

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. ~~[Not more than 95]~~ **Ninety five** percent of the amount of any progress payment ~~[may]~~ **must** be paid **and 5 percent withheld as retainage** until 50 percent of the work required by the contract has been performed.

2. After 50 percent of the work required by the contract has been performed, the public body may pay to the contractor:

(a) Any of the remaining progress payments without withholding additional retainage; and

(b) Any amount of any retainage that was withheld from progress payments pursuant to subsection 1,

↪ if, in the opinion of the public body, satisfactory progress is being made in the work.

3. After determining in accordance with subsection 2 whether satisfactory progress is being made in the work, the public body may pay to the contractor an amount of any retainage that was withheld from progress payments pursuant to subsection 1 if:

(a) A subcontractor has performed a portion of the work;

(b) ***The contractor has determined that satisfactory progress is being made in the work under the subcontract with the subcontractor pursuant to NRS 338.555;***

(c) The public body determines that the portion of the work has been completed in compliance with all applicable plans and specifications;

~~[(c)]~~ (d) The subcontractor submits to the contractor:

(1) A release of the subcontractor's claim for a mechanic's lien for the portion of the work; and

(2) From each of the subcontractor's subcontractors and suppliers who performed work or provided material for the portion of the work, a release of his or her claim for a mechanic's lien for the portion of the work; and

~~[(d)]~~ (e) The amount of the retainage which the public body pays is in proportion to the portion of the work which the subcontractor has performed.

4. If, after determining in accordance with subsection 2 whether satisfactory progress is being made in the work, the public body continues to withhold retainage from remaining progress payments:

(a) If the public body does not withhold any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 2.5 percent of the amount of any progress payment; and

(2) Before withholding any amount pursuant to subparagraph (1), the public body must pay to the contractor 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1; or

(b) If the public body withholds any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 5 percent of the amount of any progress payment; and

(2) The public body may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

5. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and

(c) Are in short supply or were specially made for the public work,
 ↳ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

6. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three insured banks, credit unions or savings and loan associations in this State as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than \$500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is \$500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520,

↳ whichever occurs first.

7. If the Labor Commissioner has reason to believe that a worker is owed wages by a contractor or subcontractor, the Labor Commissioner may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the worker. This amount must be paid by the Labor Commissioner to the worker if the matter is resolved in the worker's favor, otherwise it must be returned to the public body for payment to the contractor.

Sec. 2.3. ~~{Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5 and 2.7 of this act.}~~ (Deleted by amendment.)

Sec. 2.5. ~~{1. "Horizontal construction" means the construction of any fixed work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~2. As used in this section, "vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.}~~ (Deleted by amendment.)

Sec. 2.7. ~~{1. If, at the time 50 percent of the work required by the contract has been performed, a prime contractor has, through any act or omission, materially deviated from any contractually defined condition or obligation or has performed work that is in violation of any building code, law or regulation, an owner may increase the retention amount withheld pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NRS 624.600 to not more than 10 percent.~~

~~2. If, at the time 50 percent of the work required by the contract has been performed, a lower tiered subcontractor has, through any act or omission, materially deviated from any contractually defined condition or obligation or has performed work that is in violation of any building code, law or regulation, a higher tiered contractor may increase the retention amount withheld pursuant to subsection 2 of NRS 624.624 to not more than 10 percent.~~

~~3. If, pursuant to subsection 1 or 2, an owner or higher tiered contractor intends to increase the retention amount withheld, he or she must, at the time 50 percent of the work required by the contract has been performed, provide a written notice to the prime contractor or lower tiered subcontractor responsible for the deficiency. The written notice must include:~~

~~(a) The new percentage of retainage to be withheld and, in accordance with subsection 4, the date on which the new amount of retention will become effective;~~

~~(b) A reasonably detailed explanation of the condition or the reason for the increase, including, without limitation, a specific reference to the provision or section of the agreement, and any documents relating thereto, or the applicable building code, law or regulation with which the prime contractor or lower tiered subcontractor has failed to comply; and~~

~~(c) A statement that the prime contractor or lower tiered subcontractor may avoid the increase in the retention amount by correcting the condition before the date specified in paragraph (a).~~

~~4. If a prime contractor or lower tiered subcontractor who receives a notice pursuant to subsection 3 does not correct the condition giving rise to the notice, to the reasonable satisfaction of the owner or higher tiered contractor issuing the notice, within 15 days after receiving the notice, the owner or higher tiered contractor issuing the notice may increase the retention amount withheld pursuant to subsection 1 or 2 for the remainder of the contract.~~

~~5. An owner or higher tiered contractor shall only increase the retention amount pursuant to this section in good faith and based upon a bona fide and material deficiency.~~

~~6. A prime contractor who believes that an owner has increased the retention amount in violation of subsection 5 may bring a civil action against the owner. If the court finds that the owner increased the retention amount in violation of subsection 5, the court shall order the owner to return the wrongfully withheld amount and to pay interest on the amount withheld to~~

~~the prime contractor at the rate determined pursuant to NRS 624.630. The court shall also award attorney's fees and costs to the party who prevails.~~

~~7. A lower tiered subcontractor who believes that a higher tiered contractor has increased the retention amount in violation of subsection 5 may file a complaint with the Board. If the Board finds, after notice and a hearing, that a higher tiered contractor increased the retention amount in violation of subsection 5, the Board shall order the higher tiered contractor to return the wrongfully withheld amount and to pay interest on the amount withheld to the lower tiered subcontractor at the rate determined pursuant to NRS 624.630. The decision of the Board is a final decision for purposes of judicial review. Upon a petition for judicial review, the court shall also award attorney's fees and costs to the party who prevails.~~ (Deleted by amendment.)

Sec. 2.9. ~~[NRS 624.606 is hereby amended to read as follows:~~

~~624.606 As used in NRS 624.606 to 624.630, inclusive, and sections 2.5 and 2.7 of this act, the words and terms defined in NRS 624.607 to 624.6086, inclusive, and section 2.5 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. NRS 624.609 is hereby amended to read as follows:

624.609 1. Except as otherwise provided in subsections 2 and 4 and subsection 4 of NRS 624.622, if an owner of real property enters into a written or oral agreement with a prime contractor for the performance of work or the provision of materials or equipment by the prime contractor, the owner must:

(a) Pay the prime contractor on or before the date a payment is due pursuant to a schedule for payments established in a written agreement; or

(b) If no such schedule is established or if the agreement is oral, pay the prime contractor within 21 days after the date the prime contractor submits a request for payment.

2. If an owner has complied with subsection 3, the owner may:

(a) Withhold from any payment to be made to the prime contractor:

(1) A retention amount that, if the owner is authorized to withhold a retention amount pursuant to the agreement, must not exceed ~~10~~ 5 percent of the amount of the payment to be made; ~~until 50 percent of the work required by the contract has been performed;~~

(2) ~~Except as otherwise provided in subsection 5 and section 2.7 of this act, after 50 percent of the work required by the contract has been performed, a retention amount not to exceed 5 percent of the amount of the payment to be made;~~

~~(3)~~ An amount equal to the sum of the value of:

(I) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is being sought, unless the agreement otherwise allows or requires such a payment to be made; and

(II) Costs and expenses reasonably necessary to correct or repair any work which is the subject of the request for payment and which is not

materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the retention amount withheld pursuant to subparagraph (1) ; ~~for (2);~~ and

(3) ~~(4)~~ The amount the owner has paid or is required to pay pursuant to an official notice from a state agency or employee benefit trust fund, for which the owner is or may reasonably be liable for the prime contractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS; and

(b) Require as a condition precedent to the payment of any amount due, lien releases furnished by the prime contractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to subparagraph (2) ~~(2)~~ or (3) ~~(4)~~ of paragraph (a) of subsection 2 or paragraph (b) of subsection 2, an owner intends to withhold any amount from a payment to be made to a prime contractor, the owner must give, on or before the date the payment is due, a written notice to the prime contractor of any amount that will be withheld. The written notice of withholding must:

(a) Identify the amount of the request for payment that will be withheld from the prime contractor;

(b) Give a reasonably detailed explanation of the condition or the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement, and any documents relating thereto, and the applicable building code, law or regulation with which the prime contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A prime contractor who receives a notice of withholding pursuant to subsection 3 or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the prime contractor. If an owner receives a written notice from the prime contractor of the correction of a condition or reason for the withholding pursuant to this paragraph, the owner shall:

(1) Pay the amount withheld by the owner for that condition or reason for the withholding on or before the date the next payment is due the prime contractor; or

(2) Object to the scope and manner of the correction of the condition or reason for the withholding, on or before the date the next payment is due to the

prime contractor, in a written statement which sets forth the condition or reason for the objection and which complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition or reason for the withholding, the owner shall nevertheless pay to the prime contractor, along with the payment to be made pursuant to the prime contractor's next payment request, the amount withheld for the correction of the condition or reason for the withholding to which the owner no longer objects.

5. ~~The retention amount an owner may withhold pursuant to subparagraph (2) of paragraph (a) of subsection 2 must not exceed 10 percent for any horizontal construction project for the entire duration of the project.~~

~~6.1~~ Except as otherwise allowed in subsections 2, 3 and 4, an owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.

Sec. 4. NRS 624.620 is hereby amended to read as follows:

624.620 1. Except as otherwise provided in this section, any money remaining unpaid for the construction of a work of improvement is payable to the prime contractor within 30 days after:

(a) Occupancy or use of the work of improvement by the owner or by a person acting with the authority of the owner; or

(b) The availability of a work of improvement for its intended use. The prime contractor must have provided to the owner:

(1) A written notice of availability on or before the day on which the prime contractor claims that the work of improvement became available for use or occupancy; or

(2) A certificate of occupancy *or temporary certificate of occupancy* issued by the appropriate building inspector or other authority.

2. If the owner has complied with subsection 3, the owner may:

(a) Withhold payment for the amount of:

(1) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is sought;

(2) The costs and expenses reasonably necessary to correct or repair any work that is not materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the amount of retention being withheld pursuant to the terms of the agreement; and

(3) Money the owner has paid or is required to pay pursuant to an official notice from a state agency, or employee benefit trust fund, for which the owner is liable for the prime contractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS.

(b) Require, as a condition precedent to the payment of any unpaid amount under the agreement, that lien releases be furnished by the prime contractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to paragraph (a) of subsection 2, an owner intends to withhold any amount from a payment to be made to a prime contractor, the

owner must, on or before the date the payment is due, give written notice to the prime contractor of any amount that will be withheld. The written notice of withholding must:

- (a) Identify the amount that will be withheld from the prime contractor;
- (b) Give a reasonably detailed explanation of the condition for which or the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement with the prime contractor, and any documents relating thereto, and the applicable building code, law or regulation with which the prime contractor has failed to comply; and
- (c) Be signed by an authorized agent of the owner.

4. A prime contractor who receives a notice of withholding pursuant to subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the prime contractor. If an owner receives a written notice from the prime contractor of the correction of a condition or reason for the withholding described in an owner's notice of withholding pursuant to subsection 3, the owner must, within 10 days after receipt of such notice:

- (a) Pay the amount withheld by the owner for that condition or reason for the withholding; or
- (b) Object to the scope and manner of the correction of the condition or reason for the withholding in a written statement that sets forth the reason for the objection and complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition or reason for the withholding, the owner shall nevertheless pay to the prime contractor, along with the payment to be made pursuant to the prime contractor's next payment request, the amount withheld for the correction of the condition or reason for the withholding to which the owner no longer objects.

5. The partial occupancy or availability of a building requires payment in direct proportion to the value of the part of the building which is partially occupied or partially available. For works of improvement which involve more than one building, each building must be considered separately in determining the amount of money which is payable to the prime contractor.

Sec. 5. NRS 624.624 is hereby amended to read as follows:

624.624 1. Except as otherwise provided in this section, if a higher-tiered contractor enters into:

- (a) A written agreement with a lower-tiered subcontractor that includes a schedule for payments, the higher-tiered contractor shall pay the lower-tiered subcontractor:

- (1) On or before the date payment is due; or

(2) Within 10 days after the date the higher-tiered contractor receives payment for all or a portion of the work, materials or equipment described in a request for payment submitted by the lower-tiered subcontractor,
 ↳ whichever is earlier.

(b) A written agreement with a lower-tiered subcontractor that does not contain a schedule for payments, or an agreement that is oral, the higher-tiered contractor shall pay the lower-tiered subcontractor:

(1) Within 30 days after the date the lower-tiered subcontractor submits a request for payment; or

(2) Within 10 days after the date the higher-tiered contractor receives payment for all or a portion of the work, labor, materials, equipment or services described in a request for payment submitted by the lower-tiered subcontractor,
 ↳ whichever is earlier.

2. If a higher-tiered contractor has complied with subsection 3, the higher-tiered contractor may:

(a) Withhold from any payment owed to the lower-tiered subcontractor:

(1) A retention amount that the higher-tiered contractor is authorized to withhold pursuant to the agreement, but the retention amount withheld must not exceed ~~10~~ 5 percent of the payment that is required pursuant to subsection 1 : ~~until 50 percent of the work required by the contract has been performed;~~

(2) ~~Except as otherwise provided in subsection 5 and section 2.7 of this act, after 50 percent of the work required by the contract has been performed, a retention amount not to exceed 5 percent of the payment that is required pursuant to subsection 1;~~

~~—(3)—~~ An amount equal to the sum of the value of:

(I) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is being sought, unless the agreement otherwise allows or requires such a payment to be made; and

(II) Costs and expenses reasonably necessary to correct or repair any work which is the subject of the request for payment and which is not materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the retention amount withheld pursuant to subparagraph (1) : ~~for (2);~~ and

(3) ~~(4)~~ The amount the owner or higher-tiered contractor has paid or is required to pay pursuant to an official notice from a state agency or employee benefit trust fund, for which the owner or higher-tiered contractor is or may reasonably be liable for the lower-tiered subcontractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS; and

(b) Require as a condition precedent to the payment of any amount due, lien releases furnished by the lower-tiered subcontractor and his or her lower-tiered

subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to subparagraph ~~(2) ~~(3)~~~~ or ~~(3) ~~(4)~~~~ of paragraph (a) of subsection 2 or paragraph (b) of subsection 2, a higher-tiered contractor intends to withhold any amount from a payment to be made to a lower-tiered subcontractor, the higher-tiered contractor must give, on or before the date the payment is due, a written notice to the lower-tiered subcontractor of any amount that will be withheld and give a copy of such notice to all reputed higher-tiered contractors and the owner. The written notice of withholding must:

(a) Identify the amount of the request for payment that will be withheld from the lower-tiered subcontractor;

(b) Give a reasonably detailed explanation of the condition or the reason the higher-tiered contractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement with the lower-tiered subcontractor, and any documents relating thereto, and the applicable building code, law or regulation with which the lower-tiered subcontractor has failed to comply; and

(c) Be signed by an authorized agent of the higher-tiered contractor.

4. A lower-tiered subcontractor who receives a notice of withholding pursuant to subsection 3 or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the higher-tiered contractor a written notice and thereby dispute in good faith and for reasonable cause the amount withheld or the conditions or reasons for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the higher-tiered contractor of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the lower-tiered subcontractor. If a higher-tiered contractor receives a written notice from the lower-tiered subcontractor of the correction of a condition or reason for the withholding pursuant to this paragraph, the higher-tiered contractor shall:

(1) Pay the amount withheld by the higher-tiered contractor for that condition or reason for the withholding on or before the date the next payment is due the lower-tiered subcontractor; or

(2) Object to the scope and manner of the correction of the condition or reason for the withholding, on or before the date the next payment is due to the lower-tiered subcontractor, in a written statement which sets forth the condition or reason for the objection and which complies with subsection 3. If the higher-tiered contractor objects to the scope and manner of the correction of a condition or reason for the withholding, the higher-tiered contractor shall nevertheless pay to the lower-tiered subcontractor, along with payment to be made pursuant to the lower-tiered subcontractor's next payment request, the

amount withheld for the correction of the conditions or reasons for the withholding to which the higher-tiered contractor no longer objects.

5. ~~5. [The retention amount an owner may withhold pursuant to subparagraph (2) of paragraph (a) of subsection 2 must not exceed 10 percent for any horizontal construction project for the entire duration of the project.]~~

~~6.]~~ Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount.

Sec. 6. Section 6 of chapter 289, Statutes of Nevada 2011, at page 1624, is hereby amended to read as follows:

Sec. 6. This act becomes effective on October 1, 2011 . ~~It and expires by limitation on July 1, 2015.]~~

Sec. 7. The amendatory provisions of this act do not apply to the provisions of any contract entered into before January 1, 2016.

Sec. 8. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and 7 of this act become effective on January 1, 2016.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment returns the bill to the version contained in the first reprint and deletes all provisions creating different retention rates for vertical and horizontal construction projects.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 847.

AN ACT relating to ~~[public welfare; revising the amount and type of training that an employee of a] child care [facility is required to complete; setting forth certain requirements relating to services performed by an independent contractor at] ; **requiring** a child care facility ~~;~~ revising provisions concerning the frequency and timing of certain background investigations required to be conducted by the Division of Public and Behavioral Health of the Department of Health and Human Services;] **to grant priority in admission to the children of certain persons who are serving or have served in the Armed Forces of the United States;** and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

~~Existing law requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to: (1) complete 15 hours of training annually if the facility provides care for more than 5 children but less than 12 children; and (2) on or after January 1, 2016, complete at least 24 hours training annually if the facility provides care for more than 12 children. Existing law provides that at least 2 hours of the required training must be devoted to lifelong wellness, health and safety of children. (NRS 432A.1775) Section 3 of this bill requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to complete 24 hours of training annually. Section 3 also requires at least 12 hours of that training to be devoted to the care, education and safety of children that is: (1) specific to the age group served by the child care facility for which the person is employed; and (2) approved by the State Board of Health by regulation. Section 1.3 of this bill requires each person who is employed in a child care facility to complete an additional 3 hours of training in the recognition and reporting of child abuse and neglect.~~

~~Existing law defines a "child care facility" to include, without limitation, an on-site} establishes requirements for the operation of a child care facility, which is defined as an establishment operated and maintained for the purpose of furnishing care to five or more children for compensation, a facility operated by a place of business to provide care for the children of its employees, a child care institution ~~and~~ or an outdoor youth program. [(NRS 432A.024)] Section 1.7 of this bill requires a licensee of a child care facility to ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.~~

~~Existing law provides for the licensure of certain child care facilities. (NRS 432A.131-432A.220) As part of the process of obtaining a license to operate a child care facility, the Division of Public and Behavioral Health of the Department of Health and Human Services is required to conduct a background check of certain employees, residents and participants of facilities and prohibit unsupervised contact with a child pending the results of a background investigation. The Division is also required to conduct a background investigation every 5 years after the initial investigation. (NRS 432A.170, 432A.175) Section 2 of this bill requires the Division to conduct a background investigation of those employees: (1) not later than 3 days after the employee is hired and before the employee has any direct contact with any child at the child care facility; and (2) every 2 rather than 5 years after the initial investigation. [(NRS 432A.024, 432A.0275, 432A.131-432A.220)]~~

This bill requires a child care facility to admit, before granting admission to any other child, a child who has: (1) a parent or guardian who is currently serving on active duty in the Armed Forces of the United States; (2) a parent who was killed or died as a direct result of injuries received

while serving honorably on active duty in the Armed Forces of the United States; or (3) a parent who is currently or was recently missing in action or a prisoner of war. If a child care facility does not comply with the requirement for priority in admission to such children, the facility is subject to suspension or revocation of its license to operate. (NRS 432A.190)

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto ~~the provisions set forth as sections 1.3 and 1.7 of this act.~~ a new section to read as follows:

Before a child care facility admits a child, the child care facility shall, to the extent authorized by federal law, admit another child if the application submitted for the admission of that child includes official documentation from the Federal Government that:

1. A parent or guardian of the child is currently serving on active duty in the Armed Forces of the United States;
2. A parent of the child was killed or died as a direct result of injuries received while serving honorably on active duty in the Armed Forces of the United States; or
3. A parent of the child was reported as a prisoner of war or missing in action while serving honorably on active duty in the Armed Forces of the United States and is currently or has, within 180 days after the date on which the application for admission of the child is submitted, been a prisoner of war or missing in action under such circumstances.

~~Sec. 1.3. Each person who is employed in a child care facility shall complete at least 2 hours of training in the recognition and reporting of child abuse and neglect:~~

- ~~1. Within 90 days after commencing his or her employment in a child care facility; and~~
- ~~2. At least once every 5 years thereafter. (Deleted by amendment.)~~

~~Sec. 1.7. 1. A licensee of a child care facility shall ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.~~

~~2. The employee of the child care facility who is required to be in the presence of the independent contractor pursuant to subsection 1:~~

~~(a) Must be qualified to supervise the children at the child care facility; and~~

~~(b) Shall, during the period for which the independent contractor is performing the services at the child care facility, supervise and ensure the safety of each child at the child care facility. (Deleted by amendment.)~~

Sec. 2. ~~NRS 432A.170 is hereby amended to read as follows:~~

~~432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:~~

~~— (a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;~~

~~— (b) Qualifications and background of the applicant or the employees of the applicant;~~

~~— (c) Method of operation for the facility; and~~

~~— (d) Policies and purposes of the applicant.~~

~~2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:~~

~~— (a) Murder, voluntary manslaughter or mayhem;~~

~~— (b) Any other felony involving the use of a firearm or other deadly weapon;~~

~~— (c) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~— (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually-related crime;~~

~~— (e) Abuse or neglect of a child or contributory delinquency;~~

~~— (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;~~

~~— (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5001 to 200.50095, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~— (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.~~

~~3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:~~

~~— (a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and~~

~~— (b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.~~

~~4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.~~

~~5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning [an]:~~

~~(a) [Employee] An employee of an applicant or licensee [, resident]:~~

~~(1) Not later than 3 days after the employee is hired and before the employee has any direct contact with any child at the child care facility; and~~

~~(2) At least once every 2 years after the employee is hired.~~

~~(b) A resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after [the employee is hired,] the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.~~

~~[(b) Applicant]~~

~~(c) An applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.~~

~~6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.} (Deleted by amendment.)~~

Sec. 3. ~~[NRS 432A.1775 is hereby amended to read as follows:~~

~~432A.1775 1. Each person who is employed in a child care facility, [that provides care for more than 12 children,] other than in a facility that provides care for ill children, shall, in addition to completing the training required by section 1.3 of this act, complete [:~~

~~(a) Before January 1, 2014, at least 15 hours of training;~~

~~(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;~~

~~(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and~~

~~(d) On or after January 1, 2016,] 24 hours of training each year.~~

~~2. [Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.~~

~~3.] At least [2]:~~

~~(a) Twelve hours of the training required by subsection 1 each year must be devoted to the care, education and safety of children specific to the age group served by the child care facility in which the person is employed and must be approved in accordance with regulations adopted by the Board; and~~

~~(b) Two hours of the training required by [subsections 1 and 2] subsection 1 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.} (Deleted by amendment.)~~

Sec. 4. ~~[NRS 432A.220 is hereby amended to read as follows:~~

~~432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, and sections 1.3 and 1.7 of this act is guilty of a misdemeanor. (Deleted by amendment.)~~

~~Sec. 5. 1. Each person who, on January 1, 2016, is employed in a child care facility shall complete the training requirements set forth in section 1.3 of this act before January 1, 2017.~~

~~2. As used in this section, "child care facility" has the meaning ascribed to it in NRS 432A.024. (Deleted by amendment.)~~

~~Sec. 6. This act becomes effective 1.~~

~~1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2016, for all other purposes. (Deleted by amendment.)~~ **on July 1, 2015.**

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment replaces the entire bill with the requirement that a child care facility give preferential admission, to the extent authorized by federal law, to a child whose parent or guardian meets certain conditions related to the United States Armed Forces.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 274.

Bill read second time and ordered to third reading.

Senate Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 739.

AN ACT relating to local law enforcement agencies; revising provisions relating to the powers and duties of constables and deputy constables; exempting from certain provisions the sale of liquor by a sheriff or constable at a sale under execution; authorizing a constable to accept payment of certain fees by credit card, debit card or electronic transfer of money; authorizing a constable to require the payment to the constable of a convenience fee for the acceptance of payments by credit card, debit card or electronic transfer of money; revising the amount of certain fees which a constable is entitled to charge and collect; authorizing the appointment of clerks for the constable of a township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sheriff of a county may authorize a constable to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners that have been delivered to the sheriff. (NRS 248.100)

Sections 1-8 of this bill provide that such orders may be delivered directly to a constable who then must execute the orders.

Existing law requires the constable and each deputy constable in a township whose population is 15,000 or more, or a township that has within its boundaries a city whose population is 15,000 or more, to be certified as a category I or II peace officer by the Peace Officers' Standards and Training Commission. (NRS 258.007, 258.060, 258.070) Existing law also requires each constable to be a peace officer in his or her township and prohibits a constable or deputy constable from arresting any person while carrying out the duties of the office of a constable unless the constable or deputy is certified by the Commission as a category I or category II peace officer. **Sections 10 and 12** of this bill instead require certification as a category II peace officer of the constable and each deputy constable of a township whose population: (1) is 100,000 or more, if the township is in a county whose population is 700,000 or more (currently Clark County); and (2) is 250,000 or more, if the township is in a county whose population is less than 700,000 (currently all counties other than Clark County).

Section 12.5 of this bill authorizes a board of county commissioners to appoint for the constable of a township a reasonable number of clerks and to fix the compensation of any clerks so appointed.

Section 13 of this bill provides that a constable or deputy constable has the powers of a peace officer ~~only~~: (1) for the discharge of duties that are prescribed by law; (2) for the purpose of arresting a person in certain circumstances who has committed or attempted to commit a public offense in the presence of the constable or deputy constable; (3) in an area that is within the limits of an incorporated city, for the additional purposes authorized by and with the consent of the chief of police of the city; and (4) in an area that is not within the limits of an incorporated city, for the additional purposes authorized by and with the consent of the sheriff of the county. Additionally, **section 13** prohibits a constable or deputy constable from carrying a firearm in the performance of his or her duties unless: (1) the constable has adopted a written policy on the use of deadly force; and (2) ~~a copy of the policy has been filed in the office of the appropriate county recorder; and (3)~~ the constable and each deputy constable has received training regarding the policy. A constable or deputy constable authorized to carry a firearm pursuant to **section 13** must receive training approved by the Commission in the use of firearms at least once every 6 months. **Section 13** also requires a constable or deputy constable who wears a uniform in the performance of his or her duties to display prominently as part of that uniform a badge or nameplate clearly displaying the name or an identification number of the constable or deputy.

Existing law authorizes a constable who determines that a motor vehicle is not properly registered to issue a citation to the owner or driver, as appropriate, of the vehicle, and to charge and collect a fee of \$100 from the owner or driver. (NRS 258.070) **Section 13** authorizes a constable to charge and collect the fee

only upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued.

Section 15 of this bill increases certain fees to which constables are entitled for their services. **Section 15** also authorizes a board of county commissioners to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute.

Existing law provides that the amount of certain fees which a constable is entitled to charge and collect must be calculated on the basis of the miles necessarily and actually traveled in providing a service. (NRS 258.125) **Section 15** authorizes a board of county commissioners to provide by ordinance for a constable to charge and collect, at the option of the person paying the fee, a flat fee for those travel costs instead of a fee calculated on the basis of the miles traveled.

Section 9 of this bill authorizes a constable to accept payment of fees by credit card, debit card or the electronic transfer of money and authorizes a constable to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.

Existing law generally authorizes the sale of liquor only under certain circumstances and only by a person who holds the appropriate license issued by the Department of Taxation. (Chapter 369 of NRS) **Sections 20-25** of this bill exempt from the licensure requirements of chapter 369 of NRS a sheriff or constable who sells or offers for sale liquor at a sale under execution. **Sections 20-25** also provide that a person licensed under chapter 369 of NRS is not prohibited from purchasing liquor at such a sale under execution.

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

Section 1. NRS 248.100 is hereby amended to read as follows:

248.100 ~~{1.}~~ The sheriff shall:

~~{(a)}~~ **1.** Except in a county whose population is 700,000 or more, attend in person, or by deputy, all sessions of the district court in his or her county.

~~{(b)}~~ **2.** Obey all the lawful orders and directions of the district court in his or her county.

~~{(c) Except as otherwise provided in subsection 2, execute}~~

3. Execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.

~~{2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.}~~

Sec. 2. NRS 248.120 is hereby amended to read as follows:

248.120 When any process, writ or order is delivered to the sheriff ~~{or the constable as authorized pursuant to NRS 248.100,}~~ to be served or executed, the sheriff ~~{or constable}~~ shall:

1. Forthwith endorse upon it the year, month, day and hour of its receipt.

2. Give to the person delivering it, if required, on payment of his or her fee, a written memorandum signed by him or her, stating the names of the parties in the process or order, the nature thereof and the time it was received. He or she shall also deliver to the party served a copy thereof, if required so to do, without charge to such party.

Sec. 3. NRS 248.130 is hereby amended to read as follows:

248.130 A sheriff ~~or a constable authorized pursuant to NRS 248.100,~~ to whom any process, writ, order or paper is delivered shall:

1. Execute the same with diligence, according to its command, or as required by law.

2. Return it without delay to the proper court or officer, with his or her certificate endorsed thereon of the manner of its service or execution, or, if not served or executed, the reasons for his or her failure.

➤ For a failure so to do, he or she shall be liable to the party aggrieved for all damages sustained by the party on account of such neglect.

Sec. 4. NRS 248.150 is hereby amended to read as follows:

248.150 ~~Except as otherwise provided in NRS 248.100, if~~ **If** the sheriff to whom a writ of execution or writ of attachment is delivered shall neglect or refuse, after being required by the creditor or the creditor's attorney to attach, or to levy upon or sell, any property of the party charged in the writ which is liable to be attached or levied upon and sold, the sheriff shall be liable on his or her official bond to the creditor for the value of such property.

Sec. 5. Chapter 258 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 9, inclusive, of this act.

Sec. 6. When any process, writ or order is delivered to the constable to be served or executed, the constable shall:

1. Forthwith endorse upon it the year, month, day and hour of its receipt.

2. Give to the person delivering it, if required, on payment of his or her fee, a written memorandum signed by him or her, stating the names of the parties in the process or order, the nature thereof and the time it was received. He or she shall deliver to the party served a copy thereof, if required to do so, without charge to such party.

Sec. 7. 1. A constable to whom any process, writ, order or paper is delivered shall:

(a) Execute the same with diligence, according to its command or as required by law.

(b) Return it without delay to the proper court or officer, with his or her certificate endorsed thereon of the manner of its service or execution, or, if not served or executed, the reasons for his or her failure.

2. A constable who fails to comply with subsection 1 is liable to the party aggrieved for all damages sustained by the party on account of such neglect.

Sec. 8. If the constable to whom a writ of execution or writ of attachment is delivered neglects or refuses, after being required by the creditor or the creditor's attorney to attach, or to levy upon or sell, any property of the party charged in the writ which is liable to be attached or

levied upon and sold, the constable is liable on his or her official bond to the creditor for the value of such property.

Sec. 9. 1. *A constable may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the constable for the payment of fees to which the constable is entitled.*

2. *If the issuer or operator charges the constable a fee for each use of a credit card or debit card or for each electronic transfer of money, the constable may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the constable in a fiscal year must not exceed the total amount of fees charged to the constable by the issuer or operator in that fiscal year.*

3. *As used in this section:*

(a) *“Cardholder” means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.*

(b) *“Convenience fee” means a fee paid by a cardholder or person requesting the electronic transfer of money to a constable for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.*

(c) *“Credit card” means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.*

(d) *“Debit card” means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.*

(e) *“Electronic transfer of money” has the meaning ascribed to it in NRS 463.01473.*

(f) *“Issuer” means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.*

Sec. 10. NRS 258.007 is hereby amended to read as follows:

258.007 1. Each constable of a township whose population is ~~{15,000}~~ 100,000 or more ~~{or}~~ and which is located in a county whose population is 700,000 or more, and each constable of a township ~~{that has within its boundaries a city}~~ whose population is ~~{15,000}~~ 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers’ Standards and Training Commission as a ~~{category I or}~~ category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 11. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties.

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, **which includes more than one township**, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships. ~~but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.~~

➔ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 12. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. A person who is appointed as a deputy constable in a township whose population is ~~15,000~~ **100,000** or more **and which is located in a county whose population is 700,000 or more or a deputy constable of a township** ~~{that has within its boundaries a city}~~ whose population is ~~15,000~~ **250,000** or more **and which is located in a county whose population is less than 700,000** may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards

and Training Commission as a ~~category I or~~ category II peace officer. The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded within 30 days after the appointment in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section within 30 days after the revocation of the appointment. From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 12.5. NRS 258.065 is hereby amended to read as follows:

258.065 1. The constable of a township may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff as the work of the constable requires. The compensation of any person so appointed must be fixed by the board of county commissioners.

2. A person who is employed as clerical or operational staff of a constable:

(a) Does not have the powers of a peace officer; and
(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. ***The board of county commissioners may appoint for the constable of a township a reasonable number of clerks. The compensation of any clerk so appointed must be fixed by the board of county commissioners.***

4. A constable's clerk shall take the constitutional oath of office and give bond in the sum of \$2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~{4.}~~ 5. A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 13. NRS 258.070 is hereby amended to read as follows:

258.070 1. Subject to the provisions of ~~{subsection 2,}~~ **subsections 2 and 3**, each constable shall:

(a) Be a peace officer. ~~{in his or her township.}~~
(b) ~~{Serve all mesne and final process issued by a court of competent jurisdiction.}~~

~~—(c)—~~ Execute the process, writs or warrants ~~{that the constable is authorized to receive pursuant to NRS 248.100.~~

~~—(d)—~~ *of courts of justice, judicial officers and coroners, when delivered to the constable for that purpose.*

(c) Discharge such other duties as are or may be prescribed by law.

2. ~~{A}~~ *Subject to the provisions of subsection 3, a* constable or deputy constable ~~{elected or appointed in a township whose population is less than 15,000 or a township that has within its boundaries a city whose population is less than 15,000 may not arrest any person while carrying out the duties of the office of constable unless he or she is certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer.}~~ *has the powers of a peace officer; ~~only.~~*

(a) *For the discharge of duties as are or may be prescribed by law;*

(b) *For the purpose of arresting a person for a public offense committed or attempted in the presence of the constable or deputy constable, if the constable or deputy constable has reasonable cause to believe that the arrest is necessary to prevent harm to other persons or the escape of the person who committed or attempted the public offense; and*

(c) *In addition to the circumstances described in paragraphs (a) and (b):*

(1) In an area within the limits of an incorporated city, for the purposes authorized by and with the consent of the chief of police of the city; and

~~{(d)}~~ (2) In an area that is not within the limits of an incorporated city, for the purposes authorized by and with the consent of the sheriff of the county.

3. *The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless:*

(a) *The constable has adopted a written policy on the use of deadly force by the constable and each deputy constable; and*

~~(b) {A copy of the policy adopted pursuant to paragraph (a) has been filed in the office of the county recorder of the county in which the township is located; and~~

~~—(c)—~~ *The constable and each deputy constable has received training regarding the policy.*

4. *A constable or deputy constable authorized to carry a firearm pursuant to subsection 3 must receive training approved by the Peace Officers' Standards and Training Commission in the use of firearms at least once every 6 months.*

5. *A constable or deputy constable who wears a uniform in the performance of his or her duties shall display prominently as part of that uniform a badge, nameplate or other uniform piece which clearly displays the name or an identification number of the constable or deputy constable.*

6. *Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle which is located in his or her township at the time the citation is issued and which is required to*

be registered in this State if the constable determines that the vehicle is not properly registered. ~~[The]~~ ***Upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued, the*** constable ~~[shall, upon the issuance of such citation,]~~ ***is entitled to*** charge and collect a fee of \$100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

~~[4.]~~ 7. If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 14. NRS 258.110 is hereby amended to read as follows:

258.110 ~~[Unless, pursuant to subsection 2 of NRS 258.070, a constable is prohibited from making an arrest, any]~~ **Any** constable who willfully refuses to ~~[receive or]~~ arrest any person charged with a criminal offense is guilty of a gross misdemeanor and shall be removed from office.

Sec. 15. NRS 258.125 is hereby amended to read as follows:

258.125 1. Constables are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases.....	\$17
For summoning a jury before a justice of the peace.....	7
For taking a bond or undertaking	5
For serving an attachment against the property of a defendant.....	~~[9]~~ 15
For serving subpoenas, for each witness	15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio	3
For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof	20
For each certificate of sale of real property under execution	5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons	~~[9]~~ 15
For serving one notice required by law before the commencement of a proceeding for any type of eviction.....	26

For serving not fewer than 2 nor more than 10 such notices to the same location, each notice.....	20
For serving not fewer than 11 nor more than 24 such notices to the same location, each notice.....	17
For serving 25 or more such notices to the same location, each notice.....	15
~~For~~ Except as otherwise provided in subsection 3, for mileage in serving such a notice, for each mile necessarily and actually traveled in going only.....	2
But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.	
For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution.....	21
For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper.....	~~19~~ 15
For each warrant lawfully executed , unless a higher amount is established by the board of county commissioners	48
~~For~~ Except as otherwise provided in subsection 3, for mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only.....	2
But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.	
~~For~~ Except as otherwise provided in subsection 3, for mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only.....	2
But mileage may not exceed \$20 for any unsuccessful effort to serve such process.	
2. A constable is also entitled to receive:	
(a) For receiving and taking care of property on execution, attachment or order, and for executing an order of arrest in civil cases , the constable's actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.	

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, ~~{except for execution of warrants,}~~ the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, \$100.

(e) For providing any other service authorized by law for which no fee is established by this chapter, the fee provided for by ordinance by the board of county commissioners.

3. *For each service for which a constable is otherwise entitled pursuant to subsection 1 to a fee based on the mileage necessarily and actually traveled in performing the service, a board of county commissioners may provide by ordinance for the constable to be entitled, at the option of the person paying the fee, to a flat fee for the travel costs of that service.*

4. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.

~~{4.}~~ **5.** Constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 16. NRS 171.124 is hereby amended to read as follows:

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070 ~~{, and 33.320, and 258.070,}~~ a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross

misdeemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 17. NRS 212.150 is hereby amended to read as follows:

212.150 1. A person shall not visit, or in any manner communicate with, any prisoner convicted of or charged with any felony, imprisoned in the county jail, other than the officer having such prisoner in charge, the prisoner's attorney or the district attorney, unless the person has a written permission so to do, signed by the district attorney, or has the consent of the Director of the Department of Corrections or the ~~constable or~~ sheriff having such prisoner in charge.

2. Any person violating, aiding in, conniving at or participating in the violation of this section is guilty of a gross misdemeanor.

Sec. 18. NRS 289.150 is hereby amended to read as follows:

289.150 The following persons have the powers of a peace officer:

1. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers.

2. Marshals, police officers and correctional officers of cities and towns.

3. The bailiff of the Supreme Court.

4. The bailiffs and deputy marshals of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests.

5. ~~{Constables}~~ **Subject to the provisions of NRS 258.070, constables** and their deputies. ~~{whose official duties require them to carry weapons and make arrests.}~~

Sec. 19. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. ~~{Constables}~~ **Subject to the provisions of NRS 258.070, constables** and their deputies; ~~{whose official duties require them to carry weapons and make arrests.}~~

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. School police officers employed by the board of trustees of any county school district;

10. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

16. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

19. Criminal investigators who are employed by the Secretary of State; and

20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 20. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter which authorize the possession or sale of liquor only by a person who holds a license issued under this chapter do not apply to an officer or an officer's deputy who sells or offers for sale liquor at a sale under execution held pursuant to NRS 21.150.

2. It is not a violation of the provisions of this chapter if a person who holds a license issued under this chapter purchases any liquor at a sale under execution held pursuant to NRS 21.150.

Sec. 21. NRS 369.388 is hereby amended to read as follows:

369.388 ~~{A}~~ ***Except as otherwise provided in subsection 2 of section 20 of this act, a*** person who holds an importer's license or permit may purchase a liquor only from the supplier of that liquor.

Sec. 22. NRS 369.486 is hereby amended to read as follows:

369.486 1. ~~{A}~~ ***Except as otherwise provided in subsection 2 of section 20 of this act, a*** wholesaler who is not the importer designated by the supplier pursuant to NRS 369.386 may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor; or

(b) A wholesaler who purchased the liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, any subsidiary or affiliate of the supplier, or his or her designated agent.

Sec. 23. NRS 369.487 is hereby amended to read as follows:

369.487 Except as otherwise provided in NRS 369.4865 and 597.240, ***and subsection 2 of section 20 of this act,*** no retailer or retail liquor dealer may purchase any liquor from other than a state-licensed wholesaler.

Sec. 24. NRS 369.488 is hereby amended to read as follows:

369.488 1. Except as otherwise provided in NRS 369.4865, ***and subsection 2 of section 20 of this act,*** a retailer may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor if that importer is also a wholesaler; or

(b) A wholesaler who purchased liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, or his or her designated agent.

Sec. 25. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2, ***and section 20 of this act,*** a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter; and

(b) Holds an appropriate, valid license, permit or certificate issued by the Department.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) Who imports 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;
(2) Is 21 years of age or older; and
(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts liquor shipped into this State pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.

Sec. 26. NRS 482.231 is hereby amended to read as follows:

482.231 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection ~~13~~ 6 of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) ~~Has~~ **After the imposition of punishment pursuant to NRS 482.385,** **has** failed to pay the fee charged by the constable pursuant to subsection ~~13~~ 6 of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

Sec. 27. NRS 258.072 is hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

258.072 Accident reports and related materials: Provision upon receipt of reasonable fee; exceptions. A constable shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person's legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the constable's office that concern the accident, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The accident involved:

- (a) The death or substantial bodily harm of a person;
- (b) Failure to stop at the scene of an accident; or
- (c) The commission of a felony.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison, Kirkpatrick, Elliot Anderson, and Benitez-Thompson.

ASSEMBLYMAN ELLISON:

The amendment expands certain duties of a constable for purposes authorized by the chief of police for constables located in an incorporated city or the sheriff of a county for constables located in unincorporated areas.

ASSEMBLYWOMAN KIRKPATRICK:

I want to ask the bill's sponsor—we have had many bills over time about constables—when you say expanding the duties, what are those? Are they going to become actual police officers now as opposed to just going out and serving warrants? That is really what they were intended to be, if you go back through the history. What will they be doing now? On page 7, line 41, what does that mean specifically? To me it means they are equal to a sheriff, and I want to make sure that is not what we are doing.

ASSEMBLYMAN ELLISON:

What this bill does is give them the right to serve papers and make arrests, but it does not give them police powers. They can carry a weapon, but other than that, that is all they can do.

ASSEMBLYWOMAN KIRKPATRICK:

I have worked on constable legislation and followed it through. In the past when that has happened and they have asked to be a category II, that expands the PERS [Public Employees' Retirement System] liability as well. So is that what they will also be doing?

ASSEMBLYMAN ELLISON:

Yes, ma'am. There were two amendments that were proposed that did not go.

ASSEMBLYWOMAN KIRKPATRICK:

I just want to be sure because here we are trying to make changes to PERS and we are adding to it. It affects heart and lung, it affects PERS, it gives them another set of categories. To my colleague from Elko, we have tried not to expand it, so I just wanted to be clear what it was before we vote tomorrow.

ASSEMBLYMAN ELLIOT ANDERSON:

I want to ask my colleague from Elko another question. Also on page 7, the amendment strikes out language that says the written policy no longer has to be filed. So how would the public know what the consent of the sheriff was and how would they know if the constables are acting within their authority?

ASSEMBLYMAN ELLISON:

It looks to me like the constable still has to go through the chief of police or the sheriff. That is where the authority comes from. If there is any other information you need, I will have to pull the bill and go over it with you.

ASSEMBLYMAN ELLIOT ANDERSON:

I would appreciate if we could just get some clarity on how the public would know when the constable is within their agreement with the sheriff which would allow them all those other functions.

ASSEMBLYMAN ELLISON:

They are in some areas elected, so I will get that information and get back to you.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This question is also to the chair because we did so much work around constables last session in Government Affairs. In section 15 on page 8, it is about a 60 percent to 70 percent increase on some of the fees that they can collect. What I remember from last session is that some of our constables are some of the highest gross earning elected offices in the state. Some of them collect revenue off of these fees up to some pretty impressive numbers. I want to understand why we would allow them to increase the amount of fees they can collect, because I did not think there was really any financial hardship from what I remember in conversations last session

ASSEMBLYMAN ELLISON:

These fees were adjusted, and I do not think they are going to increase. I will bring back both of these questions to you at the vote.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 293.

Bill read second time and ordered to third reading.

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 796.

AN ACT relating to public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements ~~and reports of campaign contributions and expenses~~ filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff any gifts that exceed \$100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930) In defining the term "gift," the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.400)

In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of \$200 from a donor during a calendar year on financial disclosure statements filed with the

Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the Financial Disclosure Act does not define the term “gift,” but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that “[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and traveling to Europe for that purpose, constitutes a gift.” (*In re Phillips*, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift “[t]ravel, lodging, food or registration expenses as part of a ‘fact-finding’ trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer.” (Nev. Sec’y of State, *Financial Disclosure Statement Guide*, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; *State Farm Mut. Auto. Ins. v. Comm’r of Ins.*, 114 Nev. 535, 543-44 (1998); *Labor Comm’r v. Littlefield*, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term “gift” that is similar for both acts. **Sections 4 and 17** of this bill also establish a definition for the term “educational or informational meeting, event or trip” that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under **sections 4, 8 and 11** of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under **sections 17, 20 and 27** of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.

Finally, ~~existing law requires candidates and public officers to file reports with the Secretary of State disclosing contributions and campaign expenses greater than \$100 by statutorily scheduled dates during an election year and to file such reports annually after nonelection years. (NRS 294A.120, 294A.200) The reports also must disclose information concerning certain types of loans and forgiveness of loans, contribution commitments, legal expenses, legal defense funds and contributions in the form of goods and services. (NRS 294A.128, 294A.160, 294A.286, 294A.362) Sections 35-39 of this bill retain the requirement to file such reports annually after nonelection years but require such reports to be filed monthly during an election year, not later than 15 days after the end of each month.~~ **section 41 of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, section 40 of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year. (NRS 281.559, 281.561)**

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *“Domestic partner” means a person in a domestic partnership.*

Sec. 3. *“Domestic partnership” means:*

1. *A domestic partnership as defined in NRS 122A.040; or*

2. *A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.*

Sec. 4. 1. *“Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:*

(a) *The Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and*

(b) *The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.*

2. *The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.*

3. *The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.*

4. *For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator’s household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator’s household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator’s household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator’s household travels to or from the meeting, event or trip.*

Sec. 5. *“Member of the Legislator’s household” means a person who is a member of the Legislator’s household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.*

Sec. 6. *“Registrant” means a person who is registered as a lobbyist pursuant to this chapter.*

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, **and sections 2 to 6, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 1. “Expenditure” means any ~~{advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription}~~ **of the following acts by a lobbyist while the Legislature is in a regular or special session:**

(a) **Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering** of money , **services** or anything **else** of value ~~{, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any}~~ ; or

(b) **Any** contract, agreement, promise or other obligation, whether or not legally enforceable, to make any **such** expenditure . ~~{while the Legislature is in a regular or special session.}~~

2. **The term includes, without limitation:**

(a) **Anything of value provided for an educational or informational meeting, event or trip.**

(b) **The cost of a party, meal, function or other social event to which every Legislator is invited.**

3. **The term does not include:**

(a) **A prohibited gift.**

(b) **A lobbyist’s personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.**

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. “Gift” means ~~{a payment, subscription, advance,}~~ **any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering for deposit** of money, services or anything **else** of value , unless consideration of equal or greater value is received.

2. ~~{“Gift”}~~ **The term** does not include:

(a) ~~{A}~~ **Any** political contribution of money or services related to a political campaign . ~~{}~~

~~{(b) A}~~

(b) **Any** commercially reasonable loan made in the ordinary course of business . ~~{}~~

(c) **Anything of value provided for an educational or informational meeting, event or trip.**

(d) The cost of ~~{entertainment,}~~ **a party, meal, function or other social event to which every Legislator is invited**, including , **without limitation**, the cost of food or beverages ~~{; or}~~

~~{(d)} provided at the party, meal, function or other social event.~~

(e) **Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.**

(f) Anything of value received from ~~{}~~

~~{(1) A member of the recipient’s immediate family; or}~~

~~{(2) A relative of}~~ **a person who is:**

(1) *Related to the recipient , or ~~relative of the recipient's~~ to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership* within the third degree of consanguinity or ~~from the spouse of any such relative.~~ **affinity; or**

(2) **A member of the recipient's household.**

Sec. 10. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, permanent address, place of business and temporary address while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a ~~statement of~~ financial disclosure **statement** made by a ~~candidate for public office or a~~ public officer **or candidate** pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

↪ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Sec. 11. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide

support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

3. Except as otherwise provided in subsection 6, the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

4. If expenditures made by or on behalf of a registrant during the previous month exceed \$50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission. ~~It, in the following categories:~~

~~—(a) Entertainment;~~

~~—(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;~~

~~—(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

~~—(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.]~~

5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a **party, meal, function or other social event** to which every Legislator was invited. ~~[For the purposes of this subsection, "function" means a party, meal or other social event.]~~

Sec. 12. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not **knowingly or willfully** give **any gift** to a member of the Legislative Branch or a member of his or her ~~staff or~~ immediate family ~~[gifts that exceed \$100 in value in the aggregate in any calendar year.]~~ , **whether or not the Legislature is in a regular or special session.**

3. A member of the Legislative Branch or a member of his or her ~~staff or~~ immediate family shall not **knowingly or willfully** solicit ~~anything of value from a registrant~~ or accept any gift ~~[that exceeds \$100 in aggregate value in any calendar year.]~~ **from a lobbyist, whether or not the Legislature is in a regular or special session.**

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the

date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. *As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 15. *“Domestic partner” means a person in a domestic partnership.*

Sec. 16. *“Domestic partnership” means:*

1. *A domestic partnership as defined in NRS 122A.040; or*

2. *A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.*

Sec. 17. 1. *“Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:*

(a) *The public officer or candidate or a member of the public officer’s or candidate’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and*

(b) *The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.*

2. *The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.*

3. *The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons*

relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer's or candidate's household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer's or candidate's household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer's or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's or candidate's household travels to or from the meeting, event or trip.

Sec. 18. "Financial disclosure statement" or "statement" means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.

Sec. 19. 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term "gift" as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer's or candidate's household.

Sec. 20. 1. "Interested person" means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. 1. “Member of the public officer’s or candidate’s household” means:

~~1.1~~ (a) The spouse or domestic partner of the public officer or candidate;

~~1.2~~ (b) A relative who lives in the same home or dwelling as the public officer or candidate; or

(c) A person, whether or not a relative, who ~~does~~:

(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

~~1.3. A person who lived~~

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more ~~in~~ during the ~~year~~ immediately preceding ~~the~~ calendar year ~~in~~ or other period for which the public officer or candidate ~~files a~~ is filing the financial disclosure statement ~~and~~ and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, “relative” means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. 1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 ~~[As used in NRS 281.558 to 281.581, inclusive, “candidate”]~~

1. “Candidate” means any person ~~1:~~

~~1.1~~ who seeks to be elected to a public office and:

(a) Who files a declaration of candidacy;

~~1.2~~ (b) Who files an acceptance of candidacy; or

~~{3-}~~ (c) Whose name appears on an official ballot at any election.

2. ***The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.***

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in ~~{subsections 2 and 3}~~ **this section** and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a ~~{statement of}~~ financial disclosure ~~{-}~~ **statement**, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a ~~{statement of}~~ financial disclosure **statement** within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a ~~{statement of}~~ financial disclosure **statement** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

↪ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a ~~{statement of}~~ financial disclosure **statement** pursuant to the requirements ~~{of Canon 4}~~ of the Nevada Code of Judicial Conduct. ~~{Such}~~ **To the extent practicable, such** a statement ~~{of financial disclosure}~~ must include, without limitation, all information required to be included in a ~~{statement of}~~ financial disclosure **statement** pursuant to NRS 281.571.

~~{4.}—A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~—5.—Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~—6.—The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

Sec. 26. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in ~~subsections 2 and 3~~ **this section** and NRS 281.572, each candidate ~~for public office~~ who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and ~~except as otherwise provided in subsection 3,~~ each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a ~~statement of~~ financial disclosure ~~statement~~, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a ~~statement of~~ financial disclosure ~~no~~ **statement not** later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a ~~statement of~~ financial disclosure **statement** for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a ~~statement of~~ financial disclosure **statement** for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a ~~statement of~~ financial disclosure **statement** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

↪ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate ~~for public office~~ is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a ~~statement of~~ financial disclosure **statement** for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a ~~statement of~~ financial disclosure **statement** relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a ~~statement of~~ financial disclosure **statement** pursuant to the requirements ~~of Canon 4~~ of the Nevada Code of Judicial Conduct. ~~Such~~ **To the extent practicable, such** a statement ~~of financial disclosure~~ must include, without limitation, all

information required to be included in a ~~{statement of}~~ financial disclosure **statement** pursuant to NRS 281.571.

~~{5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~{6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~{7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.}~~

Sec. 27. NRS 281.571 is hereby amended to read as follows:

281.571 ~~{1. Statements of}~~ **Each** financial disclosure ~~{, as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes,}~~ **statement** must contain the following information concerning the ~~{candidate for public office or}~~ public officer ~~{:~~

~~{(a)}~~ **or candidate:**

1. The ~~{candidate's or}~~ public officer's **or candidate's** length of residence in the State of Nevada and the district in which the ~~{candidate for public office or}~~ public officer **or candidate** is registered to vote.

~~{(b)}~~ **2.** Each source of the ~~{candidate's or}~~ public officer's **or candidate's** income, or that of any member of the ~~{candidate's or}~~ public officer's **or candidate's** household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

~~{(c)}~~ **3.** A list of the specific location and particular use of real estate, other than a personal residence:

~~{(1)}~~ **(a)** In which the ~~{candidate for public office or}~~ public officer **or candidate** or a member of the ~~{candidate's or}~~ public officer's **or candidate's** household has a legal or beneficial interest;

~~{(2)}~~ **(b)** Whose fair market value is \$2,500 or more; and

~~{(3)}~~ **(c)** That is located in this State or an adjacent state.

~~{(d)}~~ **4.** The name of each creditor to whom the ~~{candidate for public office or}~~ public officer **or candidate** or a member of the ~~{candidate's or}~~ public officer's **or candidate's** household owes \$5,000 or more, except for:

~~{(1)}~~ **(a)** A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to ~~{paragraph (c);}~~ **subsection 3;** and

~~{(2)}~~ **(b)** A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

~~{(e)}~~ **5.** *If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding ~~{taxable}~~ calendar year ~~{,}~~ or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:*

(a) *The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;*

(b) *The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip; and*

(c) *The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.*

6. If the ~~{candidate for public office or}~~ public officer **or candidate** has received **any** gifts in excess of an aggregate value of \$200 from a donor during the immediately preceding ~~{taxable}~~ calendar year ~~{ }~~ or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift. ~~{ except:~~

~~—(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~—(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~—(f)}~~ 7. A list of each business entity with which the ~~{candidate for public office or}~~ public officer **or candidate** or a member of the ~~{candidate's or}~~ public officer's **or candidate's** household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

~~{(g)}~~ 8. A list of all public offices presently held by the ~~{candidate for public office or}~~ public officer **or candidate** for which this ~~{statement of}~~ financial disclosure **statement** is required.

~~{2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~—3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~—(a) The spouse of the candidate for public office or public officer;~~

~~—(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~—(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.~~

Sec. 28. NRS 281.572 is hereby amended to read as follows:

281.572 1. A ~~{candidate or}~~ public officer **or candidate** who is required to file a ~~{statement of}~~ financial disclosure **statement** with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the ~~{candidate or}~~ public officer **or candidate** has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The ~~{candidate or}~~ public officer **or candidate** does not own or have the ability to access the technology necessary to file electronically the ~~{statement of}~~ financial disclosure ~~{}~~ **statement**; and

(b) The ~~{candidate or}~~ public officer **or candidate** does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the ~~{statement of}~~ financial disclosure ~~{}~~ **statement**.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A ~~{candidate or}~~ public officer **or candidate** who signs the affidavit under an oath to God is subject to the same penalties as if the ~~{candidate or}~~ public officer **or candidate** had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the ~~{statement of}~~ financial disclosure **statement** is required to be filed.

3. A ~~{candidate or}~~ public officer **or candidate** who is not required to file the ~~{statement of}~~ financial disclosure **statement** electronically may file the ~~{statement of}~~ financial disclosure **statement** by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A ~~{statement of}~~ financial disclosure **statement** transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a ~~{report}~~ **financial disclosure statement** electronically.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, ~~{statements of}~~ **each** financial disclosure **statement** required by the provisions of NRS 281.558 to 281.572, inclusive, **and sections 14 to 23, inclusive, of this act** must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last ~~{statement of}~~ financial disclosure **statement** for the last public office held.

Sec. 30. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a ~~{statement of}~~ financial disclosure **statement** must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

- (a) Each county clerk for all public officers of the county and other local governments within the county other than cities;
- (b) Each city clerk for all public officers of the city;
- (c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and
- (d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate ~~{for public office}~~ who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 31. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~{candidate for public office or}~~ public officer **or candidate** willfully fails to file a ~~{statement of}~~ financial disclosure **statement** or willfully fails to file a ~~{statement of}~~ financial disclosure **statement** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to ~~{that person or entity,}~~ **the public officer or candidate**, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ~~{candidate for public office or}~~ public officer **or candidate** who willfully fails to file a ~~{statement of}~~ financial disclosure **statement** or willfully fails to file a ~~{statement of}~~ financial disclosure **statement** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, “willfully” means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer’s or employee’s own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer’s or employee’s inquiry to that committee instead of the Commission.

(c) Require the filing of ~~statements of~~ financial disclosure **statements** by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a ~~statement of~~ financial disclosure **statement** pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a ~~statement of~~ financial disclosure **statement** pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

- (a) The public officer or employee acts in contravention of the opinion; or
- (b) The requester discloses the content of the opinion.

Sec. 33. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a ~~statement of~~ financial disclosure **statement**;

2. If the candidate is not a candidate for judicial office and is required to file electronically the ~~statement of~~ financial disclosure **statement**, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the ~~statement of~~ financial disclosure **statement** electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

↪ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 34. ~~Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.~~ **(Deleted by amendment.)**

Sec. 35. ~~“Election year” means, with regard to a candidate or public officer, the calendar year during which the primary election and general election will be held for the public office for which the candidate or public officer intends to seek election.~~ **(Deleted by amendment.)**

Sec. 36. ~~“Nonelection year” means, with regard to a candidate or public officer, each calendar year that is not an election year for the candidate or public officer.~~ **(Deleted by amendment.)**

Sec. 37. ~~NRS 294A.002 is hereby amended to read as follows:
294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, and sections 35 and 36 of this act have the meanings ascribed to them in those sections.~~ **(Deleted by amendment.)**

Sec. 38. ~~NRS 294A.120 is hereby amended to read as follows:
294A.120 1. The provisions of this subsection apply to every candidate for office at a primary election or general election beginning in the nonelection year immediately preceding the election year for that office and, if the candidate is elected to that office, continuing through the nonelection year immediately preceding the next election year for that office. Every candidate for office at a primary election or general election shall, not later than January 15 days after the end of each year, nonelection year for that office, for the period from January 1 of the previous year through December 31 of the previous nonelection year, report:~~

~~—(a) Each contribution in excess of \$100 received during the period;~~
~~—(b) Contributions received during the period from a contributor which cumulatively exceed \$100; and~~
~~—(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).~~

~~{→ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.}~~

~~—2. Every candidate for office at a primary election or general election shall, not later than:~~

~~—(a) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~—(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~—(c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~—(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~**→ 15 days after the end of each month of an election year for that office, for the period from the first day through the final day of the month,**~~ report each contribution described in subsection 1 received during the period.

~~—3. Except as otherwise provided in subsections 4 and 5 and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~—(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~—(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~—(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~**→** report each contribution described in subsection 1 received during the period.~~

~~—4. Except as otherwise provided in subsection 5 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~—(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5~~

days before the beginning of early voting by personal appearance for the special election;

~~— (b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~— (c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~report each contribution described in subsection 1 received during the period.~~

~~— 5. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in subsection 1 received during the period.~~

~~— 6. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.~~

~~— 7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~— 8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.]~~

(Deleted by amendment.)

Sec. 39. [NRS 294A.200 is hereby amended to read as follows:

~~294A.200 1. *The provisions of this subsection apply to every candidate for office at a primary election or general election beginning in the nonelection year immediately preceding the election year for that office and, if the candidate is elected to that office, continuing through the nonelection year immediately preceding the next election year for that office.* Every candidate for office at a primary election or general election shall, not later than [January] 15 *days after the end of each [year,] nonelection year for that office,* for the period from January 1 [of the previous year] through December 31 of the [previous] *nonelection* year, report:~~

~~— (a) Each of the campaign expenses in excess of \$100 incurred during the period;~~

~~— (b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;~~

~~— (c) The total of all campaign expenses incurred during the period which are \$100 or less; and~~

~~— (d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.~~

~~— 2. [The provisions of subsection 1 apply to the candidate;~~

~~—(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~—(b) Each year immediately succeeding a calendar year during which the [If a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 [.] in any calendar year for which the candidate is not required to file a report pursuant to the other provisions of this section, the candidate shall, not later than 15 days after the end of each such year, for the period from January 1 through December 31 of the year, report:~~

~~—(a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period; and~~

~~—(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.~~

~~— 2. Every candidate for office at a primary election or general election shall, not later than:~~

~~—(a) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~—(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~—(c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~—(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~

~~→ 15 days after the end of each month of an election year for that office, for the period from the first day through the final day of the month, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~— 4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~—(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~—(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~—(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~— 5. Except as otherwise provided in subsection 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~—(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~—(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~—(c) Thirty days after the special election, for the remaining period through the date of the special election;~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~— 6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~— 7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.~~

~~— 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~ **(Deleted by amendment.)**

Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.

Sec. 41. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblymen Stewart and Kirkpatrick.

ASSEMBLYMAN STEWART:

Amendment 796 deletes the proposed language to require candidates to file monthly financial disclosure reports in an election year. It revises the definition of "member of the public officer's or candidate's household" to include individuals who live in the household and who are financially dependent on the public officer or candidate.

ASSEMBLYWOMAN KIRKPATRICK:

This is a great bill. We have been trying to do this for a very long time. Too bad we did not go a little bit farther. I want to have some clarity. We had huge discussions last session and during the interim on the educational trips. Based on what we have relied on in the LCB, I see now that the educational trips are reportable, including the ones that we go to—NCSL [National Conference of State Legislatures] and CSG [Council of State Governments] to whom we pay dues. Is that

correct? You have to itemize, as well, all of the individual dinners? I want to be clear because it was super controversial and everybody wants to do the right thing. I want to make sure what the legislative intent was.

ASSEMBLYMAN STEWART:

To my colleague, it is my understanding that that is correct.

ASSEMBLYWOMAN KIRKPATRICK:

I also want to understand, when you go to those nonprofit dinners, what is the fee that is expected to be counted on. For instance, if I buy a box of Girl Scout cookies, only a certain portion of it is deductible. Is it that amount or is it the face value of the item?

ASSEMBLYMAN STEWART:

I do not think that was clearly identified in the bill. We will have to leave that up to interpretation later on, I guess.

ASSEMBLYWOMAN KIRKPATRICK:

Before tomorrow's vote, can we please clarify that because that was a big sticking point last time and during the interim. At least we could check with the Secretary of State or whoever or the bill's sponsors to see what the legislative intent was and put it on the record. I believe everybody in this building wants to report, so as long as we can report the same and there is no ambiguity, we are all off to a great start.

ASSEMBLYMAN STEWART:

I will clarify that. Thank you.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time and ordered to third reading.

Senate Bill No. 340.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 824.

AN ACT relating to public works; disqualifying a contractor from being awarded a contract for a public work under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Labor Commissioner to impose an administrative penalty against a person who violates certain provisions related to contracts for public works in this State. (NRS 338.015) A person against whom such an administrative penalty is imposed may not be awarded a contract for a public work for a period of 3 years, and upon a second or subsequent offense, for a period of 5 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for public works, such a person is also subject to the suspension of his or her contractor's license by the State Contractors' Board for the length of the prohibition. (NRS 624.300)

Under federal law, a contractor may be excluded for a period of time from receiving contracts from the Federal Government if the contractor is debarred. (48 C.F.R. §§ 9.400 et seq.)

This bill provides that, if a contractor is excluded for a period of time from receiving contracts from the Federal Government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the longer of: (1) 4 years after the date on which the Labor Commissioner becomes aware of the exclusion; or (2) the length of the term of debarment.

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

Section 1. NRS 338.017 is hereby amended to read as follows:

338.017 **1.** If any administrative penalty is imposed *pursuant to this chapter* against a person for the commission of an offense ~~in~~:

~~1. That~~, *that* person, and the corporate officers, if any, of that person, may not be awarded a contract for a public work:

(a) For the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and

(b) For the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty.

2. *A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the General Services Administration as being excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred may not be awarded a contract for a public work:*

(a) For a period of 4 years after the date on which the Labor Commissioner is made aware of the exclusion from receiving contracts from the Federal Government; or

(b) For the period of debarment of the contractor from receiving contracts from the Federal Government,

↪ whichever is longer.

3. *The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.*

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor who is prohibited *or disqualified* from being awarded a contract for a public work pursuant to this section.

Sec. 2. ~~{This act becomes effective on July 1, 2015.}~~ (Deleted by amendment.)

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment changes the effective date from July 1, 2015, to October 1, 2015.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 810.

AN ACT relating to motor carriers; revising provisions concerning an appeal of certain decisions of the Nevada Transportation Authority; revising provisions concerning an appeal of a final decision of the Taxicab Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who is aggrieved by a final decision of the Nevada Transportation Authority in an administrative hearing is entitled to judicial review. (NRS 233B.130, 706.2885, 706.771, 706.775) **Section 1** of this bill provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated carrier to operate in this State or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier is a final decision, and may be appealed directly to a court of competent jurisdiction for judicial review.

The Nevada Transportation Authority has regulatory authority over taxicab motor carriers in any county whose population is less than 700,000 (currently all counties except for Clark). (NRS 706.151, 706.881) In any county whose population is 700,000 or more (currently Clark County), the Taxicab Authority has regulatory authority over taxicab motor carriers. (NRS 706.881) Any person who is aggrieved by a final decision of the Taxicab Authority must appeal to the Nevada Transportation Authority. (NRS 706.8819) **Sections 3 and 8** of this bill provide that any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring such a person to appeal to the Nevada Transportation 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 a new section to read as follows:

Any decision or action by the Authority which:

1. Has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated motor carrier to operate in this State; or

2. Refuses an applicant the ability or authorization to operate as a fully regulated motor carrier in this State,

↪ *is a final decision for the purpose of chapter 233B of NRS and may be appealed directly to a court of competent jurisdiction for judicial review.*

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 706.166 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~~, **and section 1 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. 4. 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}~~ **Except as otherwise provided in section 1 of this act, the** proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 5. 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 1 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~~ **and section 1 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. 6. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the Authority or any lawful tariff on file with the Authority or who fails, neglects or refuses to obey any lawful order of the Authority or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the Authority in any court of competent jurisdiction.

2. If the Authority does not bring an action to recover the penalty prescribed by subsection 1, the Authority may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the Authority or Department pursuant to the provisions of this chapter. ~~Except as otherwise provided~~ **in section 1 of this act, a** fine imposed by the Authority may be recovered by

the Authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the Authority pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 7. NRS 706.775 is hereby amended to read as follows:

706.775 1. In addition to any criminal penalty, any person who violates any provision of this chapter, or any lawful regulation, rule or order adopted or issued by the Department pursuant thereto is liable to the Department for an administrative fine as follows:

(a) For a first offense, a fine of \$500.

(b) For a second offense, a fine of \$1,000 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed \$2,500.

(c) For a third offense, a fine of \$1,500 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed \$2,500.

(d) For a fourth and any subsequent offense, a fine of \$2,500.

2. ~~The~~ **Except as otherwise provided in section 1 of this act, the** Department shall afford to any person fined pursuant to subsection 1 an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 8. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. ~~2. [An appeal from the] Any~~ final decision of the Taxicab Authority ~~[must be made to the Nevada Transportation Authority.]~~ **pursuant to this section is subject to judicial review pursuant to NRS 233B.130.**

Sec. 9. The amendatory provisions of this act do not apply to any administrative hearings before the Taxicab Authority where a final decision was issued by the Taxicab Authority on or before ~~{October 1, 2015}~~ **January 1, 2016.**

Sec. 10. NRS 706.2883 is hereby repealed.

Sec. 11. This act becomes effective on January 1, 2016.

TEXT OF REPEALED SECTION

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Nevada Transportation Authority regarding its review of decisions of Taxicab Authority. Any person who is aggrieved by any action or inaction of the Taxicab Authority pursuant to NRS 706.8819 is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. The Nevada Transportation Authority may adopt such regulations as may be necessary to provide for its review of decisions of the Taxicab Authority.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 810 to Senate Bill 376 changes the effective date of the bill from October 1, 2015, to January 1, 2016.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 377.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 733.

AN ACT relating to public affairs; authorizing certain persons to file complaints relating to notaries public or document preparation services with the Secretary of State; revising provisions relating to the requirements for an application for appointment as a notary public or document preparation service; revising provisions relating to the advertising of services as a notary public or document preparation service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Secretary of State to appoint notaries public. (NRS 240.010) In addition, existing law provides that it is unlawful for a person: (1) to represent themselves as a notary public if they have not been appointed by the Secretary of State; (2) to submit an application for appointment as a notary public that contains a material misrepresentation or omission of fact; and (3) if the person is a notary public, to use the term "notario" or "notario publico" on any advertisement if the person is not also an attorney licensed in this State. (NRS 240.010, 240.085) Existing law sets forth similar prohibitions with respect to a document preparation service. (NRS 240A.100, 240A.240, 240A.260)

Sections 8 and 13 of this bill authorize any person who is aware of a violation of existing law governing notaries public and document preparation services to file a complaint with the Secretary of State. **Sections 9 and 11** of this bill require an applicant for appointment as a notary public or registration as a document preparation service to provide with his or her application a declaration under penalty of perjury stating that the applicant has never had an appointment as a notary public, or certificate or license as a document preparation service, as applicable, revoked or suspended in this State or any other state or territory. **Section 10** of this bill adds the term "licenciado" to the list of terms prohibited to be used in an advertisement if a notary public is not also an attorney licensed in this State. **Section 12** of this bill similarly prohibits document preparation services from using terms that may mislead a consumer into believing that a document preparation service is a licensed attorney, if such is not the case.

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

Section 1. (Deleted by amendment.)

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. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who, except as otherwise provided in subsection 3, has been convicted of:

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

→ if the Secretary of State is aware of such a conviction before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

(c) Violate any provision of this chapter, including, without limitation, the provisions of NRS 240.085.

6. ***Any person who is aware of a violation of this chapter by a notary public or a person applying for appointment as a notary public may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.***

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5.

Sec. 9. NRS 240.030 is hereby amended to read as follows:

240.030 1. Each person applying for appointment as a notary public must:

(a) At the time the applicant submits his or her application, pay to the Secretary of State \$35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

(d) Enter into a bond to the State of Nevada in the sum of \$10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

(e) ***Submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had an appointment as a notary public revoked or suspended in this State or any other state or territory of the United States.***

(f) If required by the Secretary of State, submit:

(1) A complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(2) A fee established by regulation of the Secretary of State which must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public who resides in an adjoining state must submit to the Secretary of State with the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

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

(c) Unless the applicant is self-employed, a copy of the state business license of the applicant's employer, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

4. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for the appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

5. The term of a notary public commences on the effective date of the bond required pursuant to paragraph (d) of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless the notary public has been issued a certificate of appointment.

6. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of \$10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

Sec. 10. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT
LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES
FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term “notario,” “notario publico ~~¶~~,” “*licenciado*” or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.
(b) Revoke the appointment of the notary public for a third or subsequent offense.

4. A notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than \$2,000.

Sec. 11. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.

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

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

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

(c) Who has previously been convicted of a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

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

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

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

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

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. ***An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.***

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

Sec. 12. NRS 240A.240 is hereby amended to read as follows:

240A.240 A registrant shall not:

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

2. Make, orally or in writing:

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

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

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

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term “legal aid,” “legal services,” “law office,” “*notario*,” “*notario publico*,” “notary public,” “notary,” “licensed,” “*licenciado*,” “attorney,” “lawyer” or any similar term, in English, *Spanish* or ~~in~~ any other language, which implies that the registrant:

- (a) Offers services without charge if the registrant does not do so; or
- (b) Is an attorney authorized to practice law in this State.

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

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

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

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

Sec. 13. NRS 240A.260 is hereby amended to read as follows:

240A.260 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

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

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to NRS 240A.290.

(b) If a registrant has committed the violation, begin proceedings pursuant to NRS 240A.270 to revoke or suspend the registration of the registrant.

(c) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to NRS 240A.280.

(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to NRS 240A.290.

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

3. *Any person who is aware of a violation of this chapter by a document preparation service, or person applying for registration as a document preparation service, may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.*

Sec. 14. ~~1. This act becomes~~ **section and sections 1 to 9, inclusive, 11 and 13 of this act become** effective ~~+~~

~~1. Upon~~ **upon** passage and approval. ~~[for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and]~~

2. ~~[On January]~~ **Sections 10 and 12 of this act become effective on October 1, [2016, for all other purposes.] 2015.**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment changes the effective date to October 1, 2015, for provisions related to advertisements for a notary public, and it makes the effective date of passage and approval for all others provisions.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 784.

AN ACT relating to public health; defining the term “obesity” as a chronic disease; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to prepare an annual report on obesity; **requiring certain school districts to collect data concerning the height and weight of pupils;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law uses the term “obesity” in listing the benefits of breast-feeding, mandating training for child care providers and mandating public information and prevention programs of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 201.232, 432A.1775, 439.517, 439.521) **Section 1** of this bill defines the term “obesity” in the preliminary chapter of NRS as a chronic disease having certain characteristics. **Sections ~~2-5~~ 2, 3, 4 and 5** of this bill define the term “obesity” as used in those provisions of existing law. **Section 5** also requires the Division to prepare an annual report on obesity statistics in this State and the efforts to reduce obesity.

Existing law requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), through June 30, 2015, to: (1) conduct examinations of the height and weight of certain pupils in the schools within the school district; (2) provide notice of such examinations to the parent or guardian of a child before performing the examination; and (3) report the results of such examinations to the Chief Medical Officer. (NRS 392.420) Section 2.5 of this bill: (1) requires the board of trustees of each such school district to use school nurses, health personnel and certain teachers and other personnel to conduct such examinations on and after July 1, 2015; and (2) provides that, under certain circumstances, the school authorities are not required to provide notice to the parent or guardian of a child before conducting such an examination. Section 2.5 also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) compile a report of the results of such examinations specific to each region of this State for which such information is collected; and (2) publish and disseminate the reports.

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

Section 1. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute or required by the context, “obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(a) A body mass index of 30 or higher in adults;

(b) A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(c) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(d) A waist size of 40 inches or more for men or 35 inches or more for women.

2. As used in this section, “chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 2. NRS 201.232 is hereby amended to read as follows:

201.232 1. The Legislature finds and declares that:

(a) The medical profession in the United States recommends that children from birth to the age of 1 year should be breast fed, unless under particular circumstances it is medically inadvisable.

(b) Despite the recommendation of the medical profession, statistics reveal a declining percentage of mothers who are choosing to breast feed their babies.

(c) Many new mothers are now choosing to use formula rather than to breast feed even before they leave the hospital, and only a small percentage of all mothers are still breast feeding when their babies are 6 months old.

(d) In addition to the benefit of improving bonding between mothers and their babies, breast feeding offers better nutrition, digestion and immunity for babies than does formula feeding, and it may increase the intelligence quotient of a child. Babies who are breast fed have lower rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrheal diseases, otitis media, allergies, obesity and developmental delays.

(e) Breast feeding also provides significant benefits to the health of the mother, including protection against breast cancer and other cancers, osteoporosis and infections of the urinary tract. The incidence of breast cancer in the United States might be reduced by 25 percent if every woman breast fed all her children until they reached the age of 2 years.

(f) The World Health Organization and the United Nations Children's Fund have established as one of their major goals for the decade the encouragement of breast feeding.

(g) The social constraints of modern society weigh against the choice of breast feeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment, social ostracism or criminal prosecution.

(h) Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her baby, and no mother should be made to feel incriminated or socially ostracized for breast feeding her child.

2. Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

3. As used in this section:

(a) *"Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:*

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) *A waist size of 40 inches or more for men or 35 inches or more for women.*

(b) *“Chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.*

Sec. 2.5. 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 direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services shall determine the number of pupils necessary to include in the representative sample.*

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.

~~3.4~~ 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.

~~{4.}~~ **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.

~~{5.}~~ **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.

~~{6.}~~ **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.

~~{7. The}~~

8. Except as otherwise provided in this subsection, 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.

~~{8.}~~ **The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.**

9. 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 Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

10. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:

(a) Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 9; and

(b) Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 9.

Sec. 3. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete:

- (a) Before January 1, 2014, at least 15 hours of training;
- (b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;
- (c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and
- (d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

4. As used in this section:

(a) “Obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

- (1) A body mass index of 30 or higher in adults;**
- (2) A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;**
- (3) A body fat percentage greater than 25 percent for men or 32 percent for women; or**
- (4) A waist size of 40 inches or more for men or 35 inches or more for women.**

(b) “Chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 4. NRS 439.517 is hereby amended to read as follows:

439.517 1. Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

~~{1-}~~ (a) Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

~~{2-}~~ (b) The prevention of chronic diseases, including, without limitation, asthma, cancer, diabetes, cardiovascular disease, **obesity** and oral disease.

2. As used in this section:

(a) ***“Obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:***

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(b) “Chronic disease” means a health condition or disease which presents for a period of three months or more or is persistent, indefinite or incurable.

Sec. 5. NRS 439.521 is hereby amended to read as follows:

439.521 **1.** To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

~~{1-}~~ (a) Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of physical fitness, poor nutrition, tobacco use and exposure to tobacco smoke, ~~obesity,~~ chronic diseases, **including, without limitation, obesity and diabetes,** and other diseases, as determined by the Division, using the most recent information obtained through surveillance, epidemiology and research. As used in this ~~subsection,~~ **paragraph**, “burden report” means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Division.

~~{2-}~~ (b) **Prepare an annual report on obesity pursuant to paragraph (a) which must:**

(1) Include, without limitation:

(I) Current obesity rates in this State;

(II) Information regarding obesity with regard to specific demographics;

(III) Actions taken by the Division regarding obesity; and

(IV) The State’s goals and achievements regarding obesity rates.

(2) On or before March 15 of each year, be submitted to the Director of the Legislative Counsel Bureau for transmittal to:

(I) The Legislative Committee on Health Care during even-numbered years; and

(II) The Legislature during odd-numbered years.

(c) Identify, review and encourage, in coordination with the Department of Education, the Nevada System of Higher Education and other appropriate state agencies, existing evidence-based programs related to nutrition, physical fitness and tobacco prevention and cessation, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

~~{3-}~~ ***(d)*** Develop, promote and coordinate recommendations for model and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:

~~{a)}~~ ***(1)*** Proper nutrition, physical fitness and health among the residents of this State, including, without limitation, parents and children, senior citizens, high-risk populations and persons with special needs; and

~~{b)}~~ ***(2)*** Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

~~{4-}~~ ***(e)*** Assist on projects within this State as requested by, and in coordination with, the President's Council on Fitness, Sports and Nutrition.

~~{5-}~~ ***(f)*** Identify and review methods for reducing health care costs associated with tobacco use and exposure to tobacco smoke, ~~{obesity,}~~ chronic diseases , ***including, without limitation, obesity and diabetes,*** and other diseases, as determined by the Division.

~~{6-}~~ ***(g)*** Maintain a website to provide information and resources on nutrition, physical fitness, health, wellness and the prevention of ~~{obesity and}~~ chronic diseases ~~{-}~~

~~{7-}~~ ***, including, without limitation, obesity and diabetes.***

(h) Solicit information from and, to the extent feasible, coordinate its efforts with:

~~{a)}~~ ***(1)*** Other governmental agencies;

~~{b)}~~ ***(2)*** National health organizations and their local and state chapters;

~~{c)}~~ ***(3)*** Community and business leaders;

~~{d)}~~ ***(4)*** Community organizations;

~~{e)}~~ ***(5)*** Providers of health care;

~~{f)}~~ ***(6)*** Private schools; and

~~{g)}~~ ***(7)*** Other persons who provide services relating to tobacco use and exposure, physical fitness and wellness and the prevention of ~~{obesity,}~~ chronic diseases , ***including, without limitation, obesity and diabetes,*** and other diseases.

~~{8-}~~ ***(i)*** Establish, maintain and enhance statewide chronic disease surveillance systems.

~~{9-}~~ ***(j)*** Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other

publications that highlight chronic diseases and the key risk factors of those diseases.

~~{10-}~~ **(k)** Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

~~{11-}~~ **(l)** Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

~~{(a)}~~ **(1)** Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

~~{(b)}~~ **(2)** Oral screenings; and

~~{(c)}~~ **(3)** Tobacco cessation counseling.

~~{12-}~~ **(m)** Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

~~{13-}~~ **(n)** Review and revise the Program as needed.

2. As used in this section:

(a) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment requires a school district's board of trustees in a county whose population is 100,000 or more to collect height and weight data of a representative sample of students in grades 4, 7, and 10, and in certain circumstances, school authorities are not required to provide notice to

a student's parent or guardian before such an examination. Also, the Division of Public and Behavioral Health must compile the results of the exams by region and disseminate the report.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 403.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

Senate Bill No. 457.

Bill read second time and ordered to third reading.

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 738.

SUMMARY—Revises provisions governing the installation of automatic fire sprinkler systems in certain ~~single family residences,~~ structures. (BDR 22-1110)

AN ACT relating to ~~Buildings,~~ structures; authorizing the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain larger single-family residences; providing limitations on the authority of the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain other single-family residences; prohibiting the governing body of a county or incorporated city in this State from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in certain structures or portions thereof used primarily for agricultural, livestock or equestrian activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of any county or incorporated city in this State is authorized to adopt a building code that specifies the design, soundness and materials of structures. (NRS 278.580) **Section 1** of this bill specifically authorizes such a governing body to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new single-family residence that has an area of livable space of 5,000 square feet or more. **Section 1** provides that, on or after July 1, 2015, a governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new single-

family residence that has an area of livable space of less than 5,000 square feet only if the governing body: (1) conducts an independent cost-benefit analysis of the proposed requirement to install an automatic fire sprinkler system; and (2) makes certain findings at a public hearing. **Section 1** provides that a governing body may require the installation of an automatic fire sprinkler system in such a residence without conducting the cost-benefit analysis and making the findings otherwise required by **section 1** if, with regard to any particular single-family residence, the governing body determines at a public hearing that the unique characteristics or location of the residence would cause an unreasonable delay in firefighter response time. **Additionally, section 1 prohibits a governing body from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in a structure other than a residential dwelling unit, regardless of whether the structure is located on public or private property, if the structure: (1) is covered but not completely enclosed; (2) is used primarily for agricultural, livestock or equestrian activities; (3) has spectator seating situated around the perimeter of the structure; and (4) is otherwise in compliance with all relevant building codes concerning exits and fire alarm systems.**

Section 6 of this bill provides that: (1) with certain exceptions, the amendatory provisions of **section 1** do not prohibit the enforcement of any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015; (2) any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015, but which makes such a requirement effective upon the occurrence of an event that has not occurred before January 1, 2015, is void and unenforceable; and (3) any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body on or after January 1, 2015, but ~~on or before the effective date of this bill,~~ **June 30, 2015,** is void and unenforceable.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of 5,000 square feet or more.

2. Except as otherwise provided in subsection 3, a governing body may, on or after July 1, 2015, adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than

5,000 square feet only if, before adopting the building code or taking the action, the governing body:

(a) Conducts an independent cost-benefit analysis of the adoption of a building code or the taking of any other action by the governing body that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet; and

(b) Makes a finding at a public hearing that, based on the independent cost-benefit analysis conducted pursuant to paragraph (a), adoption of the building code or the taking of any other action by the governing body that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet is to the benefit of the owners of the residential dwelling units to which the requirement would be applicable and that such benefit exceeds the costs related to the installation of automatic fire sprinkler systems in such residential dwelling units.

3. A governing body may require the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet without conducting the analysis or making the findings required by subsection 2 if the governing body makes a determination at a public hearing that the unique characteristics or the location of the residential dwelling unit, when compared to residential dwelling units of comparable size or location within the jurisdiction of the governing body, would cause an unreasonable delay in firefighter response time. In making such a determination, the governing body may consider:

(a) The availability of water for use by firefighters in the area in which the residential dwelling unit is located;

(b) The availability to firefighters of access to the residential dwelling unit;

(c) The topography of the area in which the residential dwelling unit is located; and

(d) The availability of firefighting resources in the area in which the residential dwelling unit is located.

4. A governing body shall not adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a structure other than a residential dwelling unit or any portion of such a structure, whether located on public or private property:

(a) That is covered but not completely enclosed;

(b) That is used primarily for agricultural, livestock or equestrian activities;

(c) That has spectator seating situated around the perimeter of the structure or portion thereof; and

(d) Which is otherwise in compliance with all relevant building codes concerning exits and fire alarm systems.

5. The provisions of this section do not prohibit:

(a) A local government from enforcing an agreement for the development of land which requires the installation of an automatic fire sprinkler system in any residential dwelling unit; or

(b) A person from installing an automatic fire sprinkler system in a structure described in subsection 4 or any residential dwelling unit.

~~{5.}~~ **6.** As used in this section:

(a) "Automatic fire sprinkler system" has the meaning ascribed to it in NRS 202.580.

(b) "Residential dwelling unit" does not include a condominium unit, an apartment unit or a townhouse unit that shares a common wall with more than one other such unit.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368, **and section 1 of this act**, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada or the Nevada System of Higher Education, except that such entities may enter into a contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada or the Nevada System of Higher Education.

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

➡ to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 4. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, **and section 1 of this act**, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, **and section 1 of this act**, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 6. 1. Except as otherwise provided in subsection 2, the amendatory provisions of section 1 of this act do not prohibit the enforcement by the governing body of a county or incorporated city in this State of any building code, ordinance, regulation or rule adopted by the governing body before January 1, 2015, which requires the installation of an automatic fire sprinkler system specified in section 1 of this act.

2. Any building code, ordinance, regulation or rule adopted by the governing body of a county or incorporated city in this State before January 1, 2015, which requires the installation of an automatic fire sprinkler system

specified in section 1 of this act and is effective upon the occurrence of any event, including, without limitation, the issuance of a certain number of building permits by the governing body, is hereby declared void and may not be enforced by the governing body if the event upon which the requirement for the installation of an automatic fire sprinkler system is effective did not occur before January 1, 2015.

3. Any building code, ordinance, regulation or rule adopted by the governing body of a county or incorporated city in this State on or after January 1, 2015, but on or before ~~(the effective date of this act,)~~ **June 30, 2015**, which requires the installation of an automatic fire sprinkler system specified in section 1 of this act is hereby declared void and may not be enforced by the governing body.

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison, Kirkpatrick, Sprinkle, and Wheeler.

ASSEMBLYMAN ELLISON:

The amendment prohibits the governing body of a county or incorporated city from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in structures used primarily for agricultural, livestock, or equestrian activities. Such buildings must be in compliance with all relevant building codes concerning exits and fire alarm systems.

ASSEMBLYWOMAN KIRKPATRICK:

This is yet another bill I worked on many times in Government Affairs. I just want to understand what it does. In section 1 of the bill, subsection 2, paragraphs (a) and (b), it says that a local government can go back and undo their current code that requires fire sprinklers. That is the way I am reading it, and I just want to be clear if this is the way it is. I know in 2009, in order to be in compliance with some ARRA [American Recovery and Reinvestment Act] dollars that the state accepted, we had to adopt codes across the state, and they had the ability to adopt fire sprinklers. I want to be sure, if a county currently has that in code—and we tried to be uniform across the state based on what folks wanted and needed for their areas—now are you saying the counties can go back and undo that and require an independent cost benefit analysis and also make a finding at a public hearing? I want to understand that piece; why are we going backward rather than going forward. We made concessions during the down time to make sure that folks could keep building. Your house can burn in eight minutes is what I understand.

I also want to understand in subsection 4. I am assuming this only applies in the rural areas of our state where they have outdoor venues for their livestock, for agriculture; barns, horse corrals, anything that is not covered would not be subject to it. I do not understand why we are putting that into statute when all of these years we have not done that and we have made a conscious effort to ensure safety for folks. If there was not a fire department somewhere within a reasonable time to protect your home, we required people to put fire sprinklers in. In North Las Vegas, that was a big deal because in eight minutes, your house is gone; that is your entire investment. I want to understand what the direction to local government is.

ASSEMBLYMAN ELLISON:

There are a lot of questions in there. I just finally got the bill up, but I think I can answer most of these. There is going to be a study on some of these units. Henderson already has a fire sprinkler system that is implemented into their county or city. They are exempt from this. Anything that is 5,000 square feet and above has to be sprinklered; anything smaller than that has to be part of the study.

The amendment that was proposed, which was for the agricultural and livestock centers, was out of Las Vegas—the County Commissioners asked for that amendment to be put in there. Most of these buildings in the rurals that you talked about are areas that could freeze or have no water pressure. They are trying to find what will work and what will not work.

Most of these small, small houses in there are going to be hit by a large insurance cost. It will be kind of like flood insurance, but it will be sprinkler insurance that has to go with every one of those new small homes. There are a lot of questions that are going to be answered in the study, and that is what we are hoping to get back to.

ASSEMBLYWOMAN KIRKPATRICK:

Five-thousand square feet—I think of my neighborhood. The average house is 1,500 square feet. In my mind it does not matter how big or small your house is. I always heard that fire sprinklers actually lowered your insurance, so I am a little confused by that. I am going to check this afternoon.

What happens while we do this study? Ironically, I have not heard from anyone in Clark County asking for waivers from this because every single entity across the state had to adopt these national codes in order to benefit from the ARRA [American Recovery and Reinvestment Act] funds they received. What happens in the process? In Clark County and in Washoe, they are not going to stop building, so what kind of code do they follow until the study gets done? There is nowhere in the cost benefit analysis that tells me the time frame by which this has to be done. There has to be a direction for the builders, there has to be a direction for code enforcement, and there has to be a direction for the building inspectors to be in compliance.

ASSEMBLYMAN ELLISON:

Not everybody throughout the state has adopted the 2012 building code. There were a lot of problems and two issues in the 2012 code. One is they put so much insulation in that they created a secondary problem. The other thing was the fire sprinkler system. Fire sprinkler systems will not work in every area. I spent quite a bit of time with the insurance companies and they said, Yes, there will be costs with sprinkler systems, mostly where children are involved. If they throw balls in the house and they hit these, it is going to flood the house. The other thing is the maintenance. Who is going to maintain these and who is going to inspect them? Those issues have never been brought up as to who is going to do that. I am hoping that if this information comes back to this body at the next session, we can determine where they are going to go and what they are doing. And nothing will burn.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Speaker, if you will just indulge me. I will work with the chairman outside of this floor session, but I am asking What is the legislative intent and the expectation for folks who are currently building new homes? If they are building a new home and if they are not under the 2012 national codes, they are under the 2009 or 2010 codes, and fire sprinklers are definitely within that. So is that the expectation—that they would stay within their current code today, do the study, and then come back and adopt something different?

I appreciate you indulging me a third time, but this is a pretty important issue when we talk about public safety. I want to understand what the building folks in my area should be expected to live by.

ASSEMBLYMAN ELLISON:

If I may, I would love to work with the Minority Leader and see if we can answer all these questions.

ASSEMBLYMAN SPRINKLE:

I also have a question for the Chairman of the Government Affairs Committee. It is back to the question my colleague just asked. I did not really feel comfortable with the answer you gave as far as the specific amendment. You said this came out of Las Vegas, but that is all you said. When I look at this language and it talks about agricultural, livestock, or equestrian activities that have spectator seating, to me that screams of public safety, and now we are trying to exempt them from having sprinkler systems. Could you maybe explain to me a little more about the conversation that went on as to why this amendment is necessary?

ASSEMBLYMAN ELLISON:

One of the things you have in agricultural centers or rodeo grounds are open facilities. They are large; they have no insulation. If there is a fire, it is going to be contained unless it is a place where there is hay. But if you try to sprinkle any place outside of Clark County—Washoe, Elko, all these other counties—there is no way you can keep these pipes from freezing and breaking. It would create more problems than what you started with. The only place that this was proposed was for Clark County, and this will go back and we will discuss it in great detail.

ASSEMBLYMAN WHEELER:

I believe the amendment in subsection 4 refers to an agricultural, livestock, or equestrian building that is covered but not enclosed. So in other words, it has no sides on it, just a roof. The idea is for areas such as rodeo arenas or open arenas, anywhere that has spectator seating where there are no walls to catch fire and most of these have metal roofs anyway.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 499.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 17.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 834.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to expand the rights guaranteed to victims of crime by adopting a victims' bill of rights.

Legislative Counsel's Digest:

Under the Nevada Constitution, the Legislature is required to provide by law for certain rights of the victims of crimes, in particular, the right to be informed of the status of criminal proceedings concerning those crimes, the right to be present at public hearings concerning those crimes and the right to be heard at all proceedings for the sentencing or release of persons convicted of those crimes. (Nev. Const. Art. 1, § 8)

This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, section 8, concerning victims' rights and to add a new section that sets forth an expanded list of such rights in the form of a victims' bill of rights. The new section is modeled after the victims' bill of rights set forth in the California Constitution as it was amended in 2008 by what is commonly referred to as Marsy's Law. (Cal. Const. Art. 1, § 28)

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. 1. Each person who is the victim of a crime is entitled to the following rights:

(a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

(b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.

(d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.

(e) To refuse an interview or deposition request, unless under court order ~~for subpoena,~~ and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

(g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

(h) To be reasonably heard, upon request, ~~and at the discretion of the court,~~ at any public proceeding, including any delinquency proceeding, in any court involving ~~a postarrest release decision, release or sentencing, postconviction release decision or any proceeding in which a right of the victim is at issue,~~ and at any parole proceeding.

(i) To the timely disposition of the case following the arrest of the defendant.

(j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

(l) To full and timely restitution.

(m) To the prompt return of legal property when no longer needed as evidence.

(n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

(o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.

(p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

5. The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

6. The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

7. As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.

~~[8. This section is not intended and shall not be interpreted to infringe upon a right guaranteed to the defendant by the United States Constitution or the Nevada Constitution.]~~

And be it further

RESOLVED, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. ~~{The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:~~

~~—(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;~~

~~—(b) Present at all public hearings involving the critical stages of a criminal proceeding; and~~

~~—(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.~~

~~—3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.~~

~~—4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.~~

~~—5.} No person shall be deprived of life, liberty, or property, without due process of law.~~

~~{6.}~~ 3. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblymen Stewart and Elliot Anderson.

ASSEMBLYMAN STEWART:

Amendment 834 further clarifies that the victim has a reasonable right to be heard in any public proceedings involving the defendant.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to amendment 834 to Senate Joint Resolution 17.

If I could direct the body's attention to page 4 of the amendment, lines 23 through 25, the amendment strikes out the language "This section is not intended and shall not be interpreted to infringe upon a right guaranteed to the defendant by the *United States Constitution* or the *Nevada*

Constitution.” This is a bad provision which I believe, by crossing this out, makes the bill potentially unconstitutional. It would create an interpretation nightmare for our Supreme Court. I urge that this amendment be rejected.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 419.

Bill read third time.

The following amendment was proposed by Assemblyman Oscarson:

Amendment No. 794.

AN ACT relating to persons with disabilities; creating the Nevada ABLE Savings Program as a qualified ABLE program under the federal Achieving a Better Life Experience Act of 2014; authorizing the creation of a program within the Aging and Disability Services Division of the Department of Health and Human Services to provide independent living services and assistive technology for persons with disabilities who need independent living services; revising the terms of members of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Recently enacted federal law allows for the creation of tax-advantaged savings accounts for persons who have certain qualifying disabilities. Under the program, any person, including family members, may make a contribution to the account of a person with a qualified disability. Any interest or other growth in the value of the account and distributions taken from the account are tax free. The maximum amount that can be contributed tax free to the account of a qualified person is \$14,000 per year. Distributions from the account may only be used to pay expenses related to living a life with a disability and may include such things as education, housing, transportation and employment training and support. Money in the account or distributions from the account do not affect the eligibility of a person for certain public benefits such as Social Security disability payments, Supplemental Nutrition Assistance Program benefits and Medicaid. To qualify for these benefits, the savings account into which contributions are made on behalf of a qualified person must be established and maintained by the qualified person’s state of residence. If a state chooses not to establish its own program, it may contract with another state that has adopted a qualified program. (Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A) **Sections 2-15** of this bill require the **State Treasurer, in cooperation with the** Aging and Disability Services Division of the Department of Health and Human Services, ~~in cooperation with the State Treasurer,~~ to establish **or otherwise ensure the establishment of** the Nevada ABLE Savings Program as a qualified program pursuant to 26 U.S.C. § 529A.

Existing law creates the Aging and Disability Services Division within the Department of Health and Human Services and requires the Division to work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies to develop and improve policies of this State concerning programs and services for persons with disabilities. (NRS 427A.040) **Sections 18 and 19** of this bill authorize the Division to establish a program to provide independent living services and assistive technology for a person with a disability who needs independent living services.

Existing law creates the Nevada Commission on Services for Persons with Disabilities, which consists of 11 members appointed by the Director of the Department of Health and Human Services. (NRS 427A.1211) **Sections 21 and 22** of this bill make revisions to the terms of the members of the Commission to ensure that the terms of the members of the Commission are staggered.

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

Section 1. Title 38 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, 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. *“Department” means the Department of Health and Human Services.*

Sec. 4. *“Division” means the Aging and Disability Services Division of the Department.*

Sec. 5. *“Nevada ABLE Savings Program” means the program ~~established by the State Treasurer pursuant to~~ established, or ensured the establishment of, as provided in section 8 of this act.*

Sec. 6. *“Qualified ABLE program” has the meaning ascribed to it in the Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A, as amended.*

Sec. 7. *“Trust Fund” means the Nevada ABLE Savings Program Trust Fund created by section 11 of this act.*

Sec. 8. 1. *The State Treasurer may adopt regulations to establish and carry out the Nevada ABLE Savings Program to comply with the requirements of a qualified ABLE program pursuant to 26 U.S.C. § 529A, as amended.*

2. *The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and any regulations adopted pursuant thereto, to ensure that the Nevada ABLE Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.*

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified disability expenses in accordance with 26 U.S.C. § 529A, as amended.

4. The regulations may include any other provisions not inconsistent with federal law that the State Treasurer determines are necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund, including, without limitation:

(a) Provisions for the charging and collection of administrative fees and charges in connection with any transaction relating to the Nevada ABLE Savings Program, including, without limitation, fees or charges related to continued participation in the Program;

(b) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, is not subject to attachment, levy or execution by any creditor of a contributor, account owner or designated beneficiary and may not be used as security for a loan;

(c) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility for any disability, medical or other health benefits administered by this State; and

(d) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility or need for any student loan program, student grant program or any other student aid program administered by this State, except as otherwise provided for in federal law.

5. If the State Treasurer does not adopt regulations pursuant to this section to establish and carry out the Nevada ABLE Savings Program, the State Treasurer shall otherwise ensure that the Nevada ABLE Savings Program is established and carried out pursuant to sections 2 to 15, inclusive, of this act.

Sec. 9. 1. The State Treasurer may delegate any of its administrative powers and duties specified in sections 2 to 15, inclusive, of this act if the State Treasurer determines that such delegation is necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund.

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may contract with one or more other states to:

(a) Provide for the administration of all or part of the Nevada ABLE Savings Program by another state;

(b) Authorize the State Treasurer to administer all or part of a qualified ABLE program of another state; or

(c) Jointly administer the Nevada ABLE Savings Program with a qualified ABLE program of one or more other states.

Sec. 10. Savings trust accounts used and savings trust agreements entered into pursuant to sections 2 to 15, inclusive, of this act are not guaranteed by the full faith and credit of the State of Nevada.

Sec. 11. 1. The Nevada ABLE Savings Program Trust Fund is hereby created.

2. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.

3. The Trust Fund consists of:

- (a) All money deposited in accordance with savings trust agreements;*
- (b) All earnings on the money in the Trust Fund;*
- (c) Any fees or charges charged to an account owner to cover expenses incurred in administering the Nevada ABLE Savings Program; and*
- (d) Any other money from any public or private source appropriated or made available to this State for the benefit of the Nevada ABLE Savings Program.*

4. Money in the Trust Fund:

- (a) Is not the property of this State, and this State has no claim to or interest in such money; and*
- (b) Must not be commingled with money of this State.*

5. A savings trust agreement or any other contract entered into by or on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no account owner is entitled to any money in the Trust Fund except for that money on deposit in or accrued to his or her account.

6. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 15, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.

Sec. 12. 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may use any administrative or investment agreements or arrangements used for the Nevada College Savings Program created pursuant to NRS 353B.300 to 353B.370, inclusive, without soliciting separate proposals for assistance with the management of all or part of the Nevada ABLE Savings Program.

3. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to sections 2 to 15, inclusive, of this act, including, without limitation:

- (a) A Program Account in the Trust Fund; and*
- (b) An Administrative Account and an Endowment Account in the State General Fund.*

4. *The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.*

5. *The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada ABLE Savings Program.*

6. *The Endowment Account must be used for the deposit of any money received by the Nevada ABLE Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended for any purpose related to the Nevada ABLE Savings Program or in any other manner which assists residents of this State who are eligible individuals as defined in 26 U.S.C. § 529A, as amended.*

Sec. 13. *The State Treasurer may accept and expend on behalf of the Trust Fund money provided by any entity for direct expenses or marketing. Such money is not a part of the Trust Fund.*

Sec. 14. *The State Treasurer may endorse insurance coverage written exclusively to protect the Trust Fund, and account owners and beneficiaries of the Trust Fund, which may be issued in the form of a group life policy. The provisions of title 57 of NRS are not applicable to the State Treasurer in carrying out the provisions of this section.*

Sec. 15. 1. *The State Treasurer shall establish a comprehensive investment plan for the money in the Trust Fund.*

2. *Notwithstanding the provisions of any specific statute to the contrary, the State Treasurer may invest or cause to be invested any money in the Trust Fund, including, without limitation, the money in the Program Account described in paragraph (a) of subsection 3 of section 12 of this act, in any manner reasonable and appropriate to achieve the objectives of the Nevada ABLE Savings Program, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The State Treasurer shall consider the risk, expected rate of return, term or maturity, diversification of total investments, liquidity and anticipated investments in and withdrawals from the Trust Fund.*

3. *The State Treasurer may establish criteria and select investment managers, mutual funds or other such entities to act as investment managers for the Nevada ABLE Savings Program.*

4. *The State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the State Treasurer to be necessary for the effective and efficient operation of the Nevada ABLE Savings Program.*

5. *The Division and the State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Nevada ABLE Savings Program.*

6. *The Division shall implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada*

ABLE Savings Program. Any marketing plan and materials for the Nevada ABLE Savings Program must be approved by the Division.

7. The State Treasurer may prescribe terms and conditions of savings trust agreements.

8. The Division or State Treasurer may contract with one or more qualified entities for:

(a) The day-to-day operation of the Nevada ABLE Savings Program, and any associated educational and outreach activities of the Program, as the program administrator for the management of the marketing of the Nevada ABLE Savings Program;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund;

(c) The selection of investment managers for the Nevada ABLE Savings Program; and

(d) The performance of similar activities.

Sec. 16. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 20, inclusive, of this act.

Sec. 17. *As used in sections 17 to 20, inclusive, of this act, unless the context otherwise requires, “person with a disability who needs independent living services” means a person with a physical disability, as that term is defined in NRS 427A.791, including, without limitation, a person who is blind, as that term is defined in NRS 426.082, who is in need of independent living services and who does not have a vocational goal.*

Sec. 18. 1. *The Division may, pursuant to this section and section 19 of this act, establish a program to provide independent living services and assistive technology for persons with disabilities who need independent living services.*

2. If the Division establishes a program pursuant to subsection 1, the Division shall adopt regulations:

(a) Establishing the procedures for a person to apply for independent living services and assistive technology;

(b) Prescribing the criteria for determining the eligibility of such an applicant;

(c) Prescribing the nature of the independent living services and assistive technology which may be provided and the conditions imposed on the provision of such services; and

(d) Setting forth such other provisions as the Division considers necessary to administer the program.

3. The decision of the Division regarding the eligibility of an applicant to participate in the program is a final decision for the purpose of judicial review.

Sec. 19. 1. *The independent living services that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without*

limitation, assistance and training as to how to perform skills of daily living, including, without limitation:

- (a) The preparation and eating of meals;*
- (b) Home management, including, without limitation, paying bills;*
- (c) Communication, including, without limitation, the use of services of assistive technology;*
- (d) Orientation and mobility; and*
- (e) Any other skills that will allow a person who has recently become disabled to function and live in a more independent manner.*

2. The services of assistive technology that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without limitation:

- (a) Large-print signs and reading materials;*
- (b) Voice recognition or Braille technology installed on a computer or handheld device;*
- (c) Global positioning satellite technology with voice output;*
- (d) Mechanical lifts or similar mobility enhancing devices;*
- (e) Telecommunications devices specially designed for persons with impaired vision, speech or hearing; and*
- (f) Any other technology that provides significant assistance in performing daily tasks to a person with a disability who needs independent living services.*

Sec. 20. *The Division may:*

1. Periodically research and determine the cost of providing services in this State for people who are blind or visually impaired and who do not have a vocational goal; and

2. Present a report of the findings of the research to the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

Sec. 21. NRS 427A.1211 is hereby amended to read as follows:

427A.1211 1. The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Division.

2. The Director shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

3. The Director and the Administrator shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his or her office to attend any meeting of the Commission in his or her place.

4. The Director may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.

5. After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms ~~3~~ **or 6 years, whichever is greater.** A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member. ***However, at the completion of the additional full-term, the member may be appointed to the remaining term of another member who has resigned or otherwise left the Commission before completing his or her term if the total combined service of the member being appointed, after serving the remaining term of the member who resigned or otherwise left the Commission, will not exceed 6 years.***

6. The Director may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.

Sec. 22. 1. Notwithstanding any provision of subsection 5 of NRS 427A.1211, as amended by section 21 of this act, the existing terms of the voting members of the Nevada Commission on Services for Persons with Disabilities whose terms have not expired before July 1, 2015, must expire as follows:

(a) The terms of four voting members of the Commission must expire on June 30, 2016;

(b) The terms of four voting members of the Commission must expire on June 30, 2017; and

(c) The terms of three voting members of the Commission must expire on June 30, 2018.

2. The Director **of the Department of Health and Human Services** shall, at his or her sole discretion, determine the allocation of existing members of the Commission to the particular groupings established for the expiration of terms in subsection 1.

3. The terms of members of the Commission appointed after the expiration of the terms of the existing members of the Commission pursuant to subsection 1 must begin on July 1 of the year in which the member is appointed.

Sec. 23. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that the State Treasurer's Office will establish or otherwise ensure the establishment of the Nevada ABLE Savings Program.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 5 requires the Aging and Disability Services Division of the Department of Health and Human Services to enter into an agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions for jobs and day training services and supported living arrangement services.

Assembly Bill 5 also requires the Aging and Disability Services Division to give preference to potential providers of jobs and day training services that will provide persons with intellectual disabilities or persons with related conditions with training and experience leading to employment that is comparable to employment for persons without intellectual disabilities and persons without related conditions and pays at or above the state minimum wage. This act becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 5:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 21 revises Chapter 408 of the Nevada Revised Statutes to extend the period within which the State Board of Finance, when requested to do so by the Board of Directors of the Department of Transportation, may issue special obligation bonds to complete highway construction projects from not more than 20 years to not more than 30 years.

This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 21:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 708.

AN ACT relating to deceptive trade practices; ~~revising the requirements for the impoundment of property in cases involving deceptive trade practices; authorizing the Attorney General to bring administrative actions in such~~

~~cases;~~ requiring the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry to provide investigative assistance to the Attorney General with ~~such~~ cases **involving deceptive trade practices;** revising the provisions governing the revolving account for the Consumer Affairs Division of the Department of Business and Industry; revising provisions governing the service of subpoenas issued by the Division; expanding injunctive relief available against a person engaging in a deceptive trade practice; ~~requiring the Attorney General to share certain proceeds with the Division;~~ authorizing the Director to assess administrative fines; revising provisions relating to assurances of discontinuance; revising provisions relating to nondisclosure; ~~authorizing certain violations to be charged as a felony;~~ creating the Consumer Affairs Unit within the Department of Business and Industry; continuing the transfer of certain powers and duties of the Consumer Affairs Division and the Commissioner of Consumer Affairs to the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes certain parties to seize property in a deceptive trade practice case if the property owner is given a hearing and the seizure will not impair his or her business activities. (NRS 598.096) Section 1 of this bill revises these requirements, authorizing such a seizure if the property owner is given a hearing and the seizure is necessary to protect the public and is in the public interest. Existing law authorizes the Attorney General to bring legal proceedings against a person who is engaging in a deceptive trade practice. (NRS 598.0963) Section 2 of this bill authorizes the Attorney General to alternatively bring an administrative action before the Consumer Affairs Division of the Department of Business and Industry.~~ Existing law requires that the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry provide investigative assistance to the Attorney General with cases involving a deceptive trade practice, subject to limitations of legislative appropriation or availability of personnel. (NRS 598.0965) **Section 3** of this bill removes the aforementioned limitations.

Existing law creates a revolving account for the Consumer Affairs Division ~~of the Department.~~ (NRS 598.0966) **Section 4** of this bill requires the ~~Commissioner~~ **Director or his or her designee** to administer the account and ~~authorizes him or her~~ to deposit grants ~~and fines~~ **of money** received by the Division into the account. **Section 4** also requires the money in the account to be used to defray the costs of the Division. ~~Section 8 of this bill requires the Attorney General to share the proceeds of certain fines and penalties with the Division.~~ Existing law authorizes the Commissioner or the Director to issue subpoenas and prescribes the method of service. (NRS 598.0967) **Section 5 of this bill** revises the requirements for service of these subpoenas. Existing law authorizes a court to provide injunctive relief to prevent deceptive trade practices by a person who is not cooperating with an investigation. (NRS 598.097) **Section 6** of this bill authorizes a court to order a person who

is not cooperating with an investigation to cease doing business in this State. Existing law authorizes certain sanctions against a person found to be engaging in a deceptive trade practice, including an order to cease and desist, payment of investigation and hearing costs and payment of restitution. (NRS 598.0971)

Section 7 of this bill authorizes the Director to assess an administrative fine as well. **Section 9** of this bill revises the provisions authorizing the Commissioner or Director to accept an assurance of discontinuance ~~in lieu of commencing a formal enforcement action.~~ Existing law allows the Commissioner or Director to make certain disclosures regarding deceptive trade practices. (NRS 598.098) **Section 10** of this bill makes the Commissioner and Director subject to the same nondisclosure law as the Attorney General in these cases. ~~[Section 13 of this bill authorizes certain violations of the provisions governing deceptive trade practices to be charged as a category B felony.]~~

Section 14 of this bill creates, from July 1, 2015, through June 30, 2017, the Consumer Affairs Unit within the Department to perform certain duties previously assigned to the Consumer Affairs Division. **Section 15** of this bill provides that certain provisions which were temporarily repealed by the 75th Session of the Nevada Legislature are no longer repealed. **Section 16** of this bill continues the temporary repeal of certain other provisions repealed by the 75th Session.

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

Section 1. ~~[NRS 598.096 is hereby amended to read as follows:~~
~~598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he or she may:~~
~~1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.~~
~~2. Examine under oath any person in connection with the sale or advertisement of any property.~~
~~3. Examine any property or sample thereof, record, book, document, account or paper as he or she may deem necessary.~~
~~4. Make true copies, at the expense of the Consumer Affairs Division of the Department of Business and Industry, of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.~~
~~5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his or her possession until completion of all proceedings as~~

provided in NRS 598.0903 to 598.0999, inclusive. An order may not be issued pursuant to this subsection unless:

~~— (a) The Commissioner, Director or Attorney General and the court give the accused full opportunity to be heard; and~~

~~— (b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the [business activities of the accused will not be impaired thereby.] **impoundment of the property is necessary to protect the public from further deceptive trade practices and is in the public interest.**~~
(Deleted by amendment.)

Sec. 2. ~~NRS 598.0963 is hereby amended to read as follows:~~

~~— 598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.~~

~~— 2. **The Attorney General may bring an action in the name of the State of Nevada before the Consumer Affairs Division of the Department of Business and Industry for a violation of any provision of this chapter if he or she deems it appropriate to seek administrative enforcement. Any action brought pursuant to this subsection must not be dismissed by the Commissioner or Director before holding an evidentiary hearing.**~~

~~— 3. The Attorney General may institute criminal, **civil or administrative** proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. **A criminal or civil proceeding may be initiated in any district court.** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.~~

~~— [2.] 4. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.~~

~~— [4.] 5. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.~~ **(Deleted by amendment.)**

Sec. 3. NRS 598.0965 is hereby amended to read as follows:

598.0965 1. ~~[Within the limits of legislative appropriation and the availability of personnel, the]~~ **The** Commissioner or Director shall provide investigative assistance, including the identification and use of relevant evidence in his or her possession, necessary for litigation referred to the Attorney General pursuant to NRS 598.0963 or 598.0979. The Attorney

General shall provide legal advice and guidance to the Commissioner or Director in carrying out his or her powers and duties pursuant to NRS 598.0903 to 598.0999, inclusive, including the investigation of any alleged violation of those sections and the preparation for litigation.

2. Upon written request by the Attorney General, the Commissioner or Director may provide any investigative assistance, including evidence and information in his or her possession, for use in any action brought by the Attorney General pursuant to subsection 3 ~~4~~ of NRS 598.0963. No request for assistance may be unreasonably denied.

Sec. 4. NRS 598.0966 is hereby amended to read as follows:

598.0966 1. There is hereby created a revolving account for the Consumer Affairs Division of the Department of Business and Industry . ~~In the sum of \$7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.~~ **The account must be administered by the Commissioner, Director or his or her designee.**

2. The ~~Commissioner~~ **Director or his or her designee** shall deposit ~~the money in the revolving account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.~~ **any grant for administrative fines of money received by the Division into the account** ~~for~~

~~3. The Commissioner or the designee of the Commissioner may:~~

- ~~(a) Sign all checks drawn upon the revolving account; and~~
- ~~(b) Make withdrawals of cash from the revolving account.~~

~~4. Payments made from the revolving account must be promptly reimbursed from the legislative appropriation, if any, to the Consumer Affairs Division for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.~~

~~5. The Commissioner shall:~~

- ~~(a) Approve any disbursement from the revolving account; and~~
- ~~(b) Maintain records of any such disbursement.~~ **That, and any money in the account must be used solely to defray the costs and expenses of the Division.**

3. The Director or his or her designee shall deposit any administrative fines received by the Division into the State General Fund.

Sec. 5. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive. Such

regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, to particular persons or circumstances.

2. ~~{Service}~~ ***Except as otherwise provided in this subsection, service*** of any notice or subpoena ~~must~~ ~~may~~ be made ***by certified mail with return receipt or*** as ~~provided in N.R.C.P. 45(c).~~ ***otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.***

Sec. 6. NRS 598.097 is hereby amended to read as follows:

598.097 If any person fails to cooperate with any investigation, as provided in NRS 598.096, or if any person fails to obey a subpoena issued by the Commissioner, Director or Attorney General pursuant to NRS 598.0963 or 598.0967, the Commissioner, Director or Attorney General may apply to any district court for equitable relief. The application must state reasonable grounds showing that the relief is necessary to terminate or prevent a deceptive trade practice. If the court is satisfied of the reasonable grounds, the court may:

1. Grant injunctive relief restraining the sale or advertisement of any property by the person.

2. Require the attendance of or the production of documents by the person, or both.

3. ***Order the person to cease doing business within this State.***

4. Grant other relief necessary to compel compliance by the person.

Sec. 7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, the Commissioner may issue an order directed to the person to show cause why the ~~{Commissioner}~~ ***Director*** should not order the person to cease and desist from engaging in the practice ~~{}~~ ***and to pay an administrative fine.*** The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. ***An administrative hearing on any action brought by the Commissioner for the Attorney General must be conducted before the Director or his or her designee.***

3. If, after conducting a hearing pursuant to the provisions of subsection ~~{1,}~~ 2, the ~~{Commissioner}~~ ***Director or his or her designee*** determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the ~~{Commissioner may make a written report of}~~ ***Director or his or her designee shall issue an order setting forth*** his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the ~~{Commissioner}~~ ***Director or his or her designee*** determines in

the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the ~~{Commissioner}~~ **Director or his or her designee** free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive; ~~and~~

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation ~~}; and~~

(d) Impose an administrative fine of \$1,000 or treble the amount of restitution ordered, whichever is greater.

➤ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

~~{3.}~~ **4.** Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection ~~{2.}~~ **3** or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

~~{4.}~~ **5.** If a person fails to comply with any provision of an order issued pursuant to subsection ~~{2.}~~ **3**, the Commissioner **or the Director** may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

~~{5.}~~ **6.** If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the ~~{Commissioner}~~ **Director or his or her designee** concerning the written report and any order issued pursuant to subsection ~~{2.}~~ **3** are in the interest of the public; and

(c) The findings of the ~~{Commissioner}~~ **Director or his or her designee** are supported by the weight of the evidence,

➤ the court shall issue an order enforcing the provisions of the order of the ~~{Commissioner}~~.

~~—6.— Except as otherwise provided in NRS 598.0974, an~~ **Director or his or her designee.**

7. An order issued pursuant to subsection ~~{5.}~~ **6** may include:

(a) A provision requiring the payment to the ~~{Commissioner}~~ **Consumer Affairs Division of the Department of Business and Industry** of a penalty of

not more than \$5,000 for each act amounting to a failure to comply with the ~~{Commissioner's}~~ **Director's or designee's** order; ~~{or}~~

(b) **An order that the person cease doing business within this State; and**

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

~~{7.}~~ **8.** Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

~~{8.}~~ **9.** Upon the violation of any judgment, order or decree issued pursuant to subsection ~~{5.}~~ **6** or ~~{6.}~~ **7**, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection ~~{subsections}~~ **3** ~~{and 4}~~ and in subsection 1 of NRS 598.0999, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive:

(a) In an action brought by the Attorney General, ~~{Commissioner or Director,}~~ must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~{,}~~ **by the Attorney General.**

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly persons or persons with disabilities; and

(b) Programs for the education of consumers which are directed toward elderly persons or persons with disabilities, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

~~3. **In any matter in which, pursuant to NRS 598.0965, the Attorney General obtains the assistance of the Consumer Affairs Division of the Department of Business and Industry, one third of the proceeds of any administrative fines or penalties paid in that matter must be delivered to the Consumer Affairs Division for deposit in the revolving account for the Consumer Affairs Division created pursuant to NRS 598.0966.**~~

~~4.~~ The provisions of this section do not apply to:

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive; or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the Consumer Affairs Division of the Department of Business and Industry or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. NRS 598.0979 is hereby amended to read as follows:

598.0979 1. Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, when the Commissioner or Director has cause to believe that a person has engaged or is engaging in any deceptive trade practice, knowingly or otherwise, he or she may request in writing that the Attorney General represent him or her in instituting an appropriate legal proceeding, including, without limitation, an application for an injunction or temporary restraining order prohibiting the person from continuing the practices. The court may make orders or judgments necessary to prevent the use by the person of any such deceptive trade practice or to restore to any other person any money or property which may have been acquired by the deceptive trade practice.

2. Where ~~in any action or proceeding,~~ the Commissioner or Director has the authority to institute a civil action or other proceeding, in lieu thereof or as a part thereof, he or she may accept an assurance of discontinuance of any deceptive trade practice ~~in lieu of maintaining the action or proceeding.~~ This assurance may include a stipulation for the payment by the alleged violator of:

(a) The costs of investigation and the costs of instituting the action or proceeding ~~{ }~~, ***including attorney's fees for the services of the Attorney General;***

(b) Any amount of money which he or she may be required to pay pursuant to the provisions of NRS 598.0971 in lieu of any administrative fine; and

(c) The restitution of any money or property acquired by any deceptive trade practice.

~~{ } Except as otherwise provided in this subsection and NRS 239.0115, any assurance of discontinuance accepted by the Commissioner or Director and any stipulation filed with the court is confidential to the parties to the action or proceeding and to the court and its employees. Upon final judgment by the court that an injunction or a temporary restraining order, issued as provided in subsection 1, has been violated, an assurance of discontinuance has been violated or a person has engaged in the same deceptive trade practice as had previously been enjoined, the assurance of discontinuance or stipulation becomes a public record. Proof by a preponderance of the evidence of a violation of an assurance constitutes prima facie evidence of a deceptive trade practice for the purpose of any civil action or proceeding brought thereafter by the Commissioner or Director, whether a new action or a subsequent motion or petition in any pending action or proceeding.~~

~~{2}~~ ***3. Any assurance of discontinuance accepted by the Commissioner or Director pursuant to subsection ~~{4}~~ 2 must be filed with the court in the same manner as required by the Attorney General pursuant to NRS 598.0995 and, upon acceptance by the court, becomes an order of the court. An assurance of discontinuance made pursuant to subsection ~~{4}~~ 2 is not an admission of guilt or liability for any purpose, except that any failure***

to comply with the provisions of the assurance is enforceable in the same manner as provided in subsection 7 of NRS 598.0971.

Sec. 10. NRS 598.098 is hereby amended to read as follows:

598.098 1. ~~{NRS 598.0903 to 598.0999, inclusive, do not prohibit the}~~
The Commissioner or Director ~~{from disclosing to the Attorney General, any district attorney or any law enforcement officer the fact that a crime has been committed by any person, if this fact has become known as a result of any investigation conducted pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive.}~~ *may, during the course of the investigation of any alleged violation of this chapter, obtain and use any intelligence, investigative information or other information obtained by or made available to the Commissioner or Director. Except as otherwise provided in subsections 2 and 3, any such intelligence or information received must remain confidential under the laws of this State until the Commissioner or Director obtains a final administrative order pursuant to NRS 598.0971 and is exempt from the provisions of NRS 239.010.*

2. ~~{Subject to the provisions of subsection 2 of NRS 598.0979 and except}~~
Except as otherwise provided in ~~{this section,}~~ **subsection 4**, the Commissioner or Director may ~~{not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not:~~

~~—(a) Prevent the Commissioner or Director from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice.~~

~~—(b) Apply to a person who is subject to an order issued pursuant to subsection 5 of NRS 598.0971.}~~ *cooperate with and coordinate the enforcement of the provisions of this chapter with the Attorney General, any state or local governmental agencies, officer of the Federal Government and the several states, including, without limitation, the sharing of information and evidence obtained in accordance with NRS 598.0967.*

3. ~~{Upon request,}~~ *The provisions of subsections 1 and 2 do not prohibit the Commissioner {may:*

~~—(a) Disclose the number of written complaints received by the Commissioner during the current and immediately preceding 3 fiscal years. A disclosure made pursuant to this paragraph must include the disposition of the complaint disclosed.~~

~~—(b) Make public any order to cease and desist issued pursuant to subsection 5 of NRS 598.0971.~~

~~↗ This subsection does not authorize the Commissioner to disclose or make public the contents of any complaint described in paragraph (a) or the record of or any other information concerning a hearing conducted in relation to the issuance of an order to cease and desist described in paragraph (b).}~~ *or Director from disclosing any intelligence or information received pursuant to subsection 1, including, without limitation, the address or telephone number of a business or organization.*

4. ~~{The Commissioner may adopt regulations authorizing the disclosure of} If any information {concerning any complaint or number of complaints received by} sought pursuant to an investigation of an alleged violation of this chapter includes a trade secret, the Commissioner or Director {relating to a person who has been convicted of violating a provision of NRS 598.0903 to 598.0999, inclusive.} shall enter into, and be bound by, an agreement regarding limitations on the disclosure of the information to protect the trade secret. Notwithstanding the provisions of this section, the Commissioner or Director shall not disclose that information in violation of the terms of the agreement. As used in this subsection, "trade secret" has the meaning ascribed to it in NRS 600A.030.~~

~~Sec. 11. {NRS 598.099 is hereby amended to read as follows:
598.099 Whenever the district attorney or the Attorney General has reason to believe that the delay caused by complying with the notice requirement of NRS 598.0987 or the requirements of subsection {3} 4 of NRS 598.0963 would cause immediate harm to the public of this state or endanger the public welfare, he or she may immediately institute an action for injunctive relief, including a request for a temporary restraining order, upon proof of specific facts shown by affidavit or by verified complaint or otherwise that such immediate harm will be or is likely to be caused by the delay. The Attorney General shall give written notice of the filing by the Attorney General of such an action to the Commissioner or Director. The Nevada Rules of Civil Procedure pertaining to the issuance of temporary restraining orders govern all actions instituted pursuant to this section.} (Deleted by amendment.)~~

Sec. 12. NRS 598.0995 is hereby amended to read as follows:

598.0995 1. In proceeding pursuant to subsection ~~3~~ **4** of NRS 598.0963 or NRS 598.0987 to 598.0995, inclusive, the district attorney or Attorney General may accept an assurance of discontinuance with respect to any method, act or practice deemed to be a deceptive trade practice from any person who is engaged or is about to engage in the method, act or practice by following the procedures set forth in ~~{subsection 2 of}~~ NRS 598.0979.

2. Any assurance made pursuant to subsection 1 must be in writing and must be filed with and subject to the approval of the district court in the county in which the alleged violator resides or has his or her principal place of business, or the district court in any county where any deceptive trade practice has occurred or is about to occur or the district court agreed to by the parties.

3. An assurance of discontinuance made pursuant to subsections 1 and 2 is not an admission of violation for any purpose, but is subject to the terms, limitations and conditions of NRS 598.0979.

Sec. 13. ~~{NRS 598.0999 is hereby amended to read as follows:~~

~~598.0999 1. {Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive.} Upon a finding of a violation based upon a complaint brought by {the Commissioner, the Director,} the district attorney of any county of this State or the Attorney General, a violator shall~~

forfeit and pay to the State General Fund a civil penalty of ~~[not more than] \$10,000 or treble the amount of restitution ordered for each violation [.]~~, **whichever is greater.** For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

~~2. [Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The]~~ **In any action brought pursuant to this chapter, the court in any such action may, in addition to any other relief or reimbursement, reimburse the State for the costs of any investigation and award reasonable attorney's fees and costs.**

~~3. [A] Except as otherwise provided in subsection 4, a natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

~~—(a) For the first offense, is guilty of a misdemeanor.~~

~~—(b) For the second offense, is guilty of a gross misdemeanor.~~

~~—(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~↗ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.~~

~~4. [Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.] If the Attorney General or the district attorney of any county of this State files a criminal complaint alleging that a violation of this chapter includes any charges for theft or racketeering, the violation must be charged as a category B felony.~~

~~5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:~~

~~—(a) The suspension of the person's privilege to conduct business within this State; or~~

~~—(b) If the defendant is a corporation, dissolution of the corporation.~~

~~— The court may grant or deny the relief sought or may order other appropriate relief.~~

~~— 6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:~~

~~— (a) The suspension of the person's privilege to conduct business within this State; or~~

~~— (b) If the defendant is a corporation, dissolution of the corporation.~~

~~— The court may grant or deny the relief sought or may order other appropriate relief.~~ **(Deleted by amendment.)**

Sec. 14. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *From July 1, 2015, through June 30, 2017, for the purposes of the provisions of NRS 598.0903 to 598.0999, inclusive, any duty or authority conferred upon or any reference to the Consumer Affairs Division of the Department of Business and Industry shall be deemed to be the duty or authority of, or a reference to, the Consumer Affairs Unit which is hereby created in the Department of Business and Industry.*

2. *The Director of the Department of Business and Industry shall designate a Deputy Director of the Department of Business and Industry ~~shall~~ to serve as the Commissioner of Consumer Affairs and Chief of the Consumer Affairs Unit.*

Sec. 15. Section 77 of chapter 475, Statutes of Nevada 2009, at page 2732, is hereby amended to read as follows:

Sec. 77. 1. NRS 487.535, 487.568, 487.570, 487.602, 597.480, 597.490, 597.500, 597.510, 597.520, 597.530, 597.535, 597.540, 597.550, 597.560, 597.570, 597.5701, 597.5702, 597.5703, 597.5704, 597.5705, 597.5706, 597.580, 597.590, 598.971, 598.975, 598.981, 598.985 and 598.990 are hereby repealed.

2. NRS ~~598.0913, 598.0927, 598.0957, 598.0959, 598.0965, 598.0966, 598.0967, 598.0971, 598.0979, 598.098, 598.305, 598.307, 598.315, 598.317, 598.325, 598.335, 598.345, 598.356, 598.361, 598.365, 598.366, 598.367, 598.371, 598.372, 598.373, 598.374, 598.375, 598.385, 598.395, 598.405, 598.416, 598.425, 598.435, 598.445, 598.455, 598.465, 598.471, 598.485, 598.495, 598.506, 598.515, 598.525, 598.845, 598.851, 598.855, 598.860, 598.865, 598.915, 598.9407, 598.9413, 598.944, 598.946, 598C.030, 598C.180, 599B.015, 599B.080, 599B.090, 599B.100, 599B.105, 599B.110, 599B.115, 599B.120, 599B.125, 599B.130, 599B.140, 599B.143, 599B.145 and 599B.195~~ are hereby repealed.

Sec. 16. Section 80 of chapter 475, Statutes of Nevada 2009, as last amended by chapter 250, Statutes of Nevada 2013, at page 1054, is hereby amended to read as follows:

Sec. 80. 1. This section and sections 1 to 35, inclusive, 36 to 57, inclusive, and 58 to 79, inclusive, of this act become effective on July 1, 2009.

2. The amendatory provisions of sections 3, 4, ~~36 to 50~~, 51, ~~inclusive,~~ 57, 58 to 75, inclusive, and subsection 2 of section 77 of this act expire by limitation on June 30, ~~2015,~~ 2017.

3. Sections 35.1 to 35.95, inclusive, and 57.5 of this act become effective on July 1, 2015.

4. *The amendatory provisions of sections 36 to 49, inclusive, of this act expire by limitation on June 30, 2015.*

Sec. 17. 1. This section and sections 14, 15 and 16 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

3. Section 14 of this act expires by limitation on June 30, 2017.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 708 to Assembly Bill 481 removes sections 1, 2, 11, and 13 and reinstates certain provisions proposed to be deleted in sections 8 and 9. It requires administrative fines received by the Director to be deposited in the State General Fund rather than the revolving account and any grant funds received be deposited in the account.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 36 provides an exemption to state business licensing requirements such that an out-of-state business that provides vehicles or equipment to assist with a wildfire, flood, earthquake, or other emergency on a short-term basis need not hold a state business license and may legally pay an employee who provides services according to the provisions of the bill.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblymen Gardner and Carlton.

ASSEMBLYMAN GARDNER:

Senate Bill 38 requires persons who manufacture, sell, or distribute gaming associated equipment to be registered with the Nevada Gaming Commission and requires the Commission to develop appropriate regulations for such registration. The Commission is also directed to adopt regulations governing the registration of certain club venue employees and related matters.

Additionally, the bill broadens the range of charitable and professional organizations that are authorized to conduct charitable lotteries in the state and allows for the conduct of multicounty charitable events subject to regulatory approval.

Finally, Senate Bill 38 revises several definitions related to manufacturers of gaming-associated equipment and repeals obsolete provisions concerning the granting of certain gaming licenses.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks, and on July 1, 2015, for all other purposes.

ASSEMBLYWOMAN CARLTON:

My one concern with Senate Bill 38 was under section 1.7 as far as requiring a club venue employee to register with the board in the same manner as a gaming employee. I am very happy to see that language; it is something I brought up years ago. When the day clubs started, even though they were subcontracted out, the employees did not have to go through the same criteria that other gaming employees would have to go through, so I am glad to see and hope that this means they will be fingerprinted, background checked, and will have sheriff's cards in the future to secure the safety and security of our gaming establishments.

Roll call on Senate Bill No. 38:

YEAS—38.

NAYS—Fiore, Moore, Seaman, Shelton—4.

Senate Bill No. 38 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 70 provides that for the purpose of complying with certain requirements relevant to the Open Meeting Law, a working day is every day of the week except Saturday, Sunday, and legal holidays prescribed in existing law, even if an agency has a four-day workweek. The bill compiles a list of certain meetings, hearings, or other proceedings not subject to the general provisions of the Open Meeting Law. A public body must certify in writing, including certain prescribed information, its compliance with the requirements for minimum public notice for each of its meetings.

Specific legal authority is required for a public body to designate a person to attend a meeting of the public body in the place of another member. The minutes of a public meeting must be approved not later than 45 days after the meeting or at the next meeting of the public body, whichever occurs later. The name of a person who may be the subject of any type of administrative action by a public body, including administrative actions that are not adverse to a person such as the appointment of the person to a position, must be included on its agenda.

Senate Bill 70 authorizes the filing of a complaint alleging a violation of the Open Meeting Law with the Office of the Attorney General. Such a complaint is a public record but makes any other information obtained by the Attorney General during an investigation of a violation of the Open Meeting Law confidential until the investigation is closed, unless the information is obtainable from another source.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 112 makes discretionary the adoption of regulations by the Public Utilities Commission of Nevada setting forth the standards of performance and penalties for nonrural incumbent local exchange carriers.

This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 112:

YEAS—42.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 231 revises various provisions governing workers' compensation. It provides that a health care provider may dispense only an initial 15-day supply of a schedule II or schedule III controlled substance to an injured employee. Any additional doses that are prescribed must be provided by a registered pharmacy. A health care provider must include the original manufacturer's National Drug Code for the drug on all bills and reports submitted to the insurer. The measure requires an insurer to pay or deny a health care provider's bill for accident benefits within 45 days of receipt.

In addition, Senate Bill 231 removes the rebuttable presumption provisions concerning a workplace injury that occurs while an employee is under the influence of alcohol or drugs and replaces those provisions with a requirement that the employee not receive compensation unless he or she can prove by clear and convincing evidence that being intoxicated or under the influence of a controlled or prohibited substance was not the proximate cause of the injury.

Finally, the results of any alcohol or drug test performed as a result of an injury must be made available to an insurer or employer upon request.

This bill is effective upon passage and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 231:

YEAS—42.

NAYS—None.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 232 provides a right to reimbursement in situations in which an insurer, managed care organization, third-party administrator, or employer appeals an order of a hearing officer, appeals officer, or district court and the order is not stayed pending the appeal. In such a situation, if the appeal is successful, the insurer, managed care organization, third party administrator, or employer is entitled to seek reimbursement from the injured employee's health or casualty insurer for payments made while the appeal was pending.

The bill also revises provisions concerning the reopening of a claim such that an employee has one year to file an application to reopen a claim if the employee was not incapacitated from earning full wages for at least 5 consecutive days or 5 cumulative days within a 20-day period. Further, the measure provides that an employee who has sustained more than one permanent partial disability may not receive compensation for any portion of the injury that is based on a combined permanent partial disability rating for all the employee's injuries that exceeds 100 percent.

This bill is effective upon passage and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 232:

YEAS—42.

NAYS—None.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I would like the record on Senate Bill 232 to be clear. Some statements were made in the committee, and they were not incorporated into the floor statement because I don't believe the bill was ever justified. I would like the record to refer to the statements that were made in committee on behalf of this bill. The person who proposed the bill said it did not affect or it was not the intent on what the time frame was that you had to be off. I want to be very sure that if there is ever a challenge to it legally, there is a great record in the committee. I would hope that this would be put in the journal because I feel that the floor statement did not address it. To me that is not okay because I might have changed my vote.

Without objection, Mr. Speaker directed that the following excerpt from the minutes of the May 6, 2015, meeting of the Assembly Committee on Commerce and Labor be entered into the day's journal.

DONALD JAYNE, REPRESENTING NEVADA SELF-INSURERS ASSOCIATION:

Senate Bill 232 (1st Reprint) has three key sections. Section 1 of the bill addresses *Nevada Revised Statutes* (NRS) 616C.138, and according to the Legislative Counsel's Digest, "provides a reciprocal right to reimbursement in situations in which an insurer, organization for managed care, third-party administrator or employer appeals an order of a hearing officer, appeals officer or district court and the order is not stayed pending the appeal. In such situations, if the appeal is

successful, the insurer, organization for managed care, third-party administrator or employer is entitled to seek reimbursement.”

In a prior session, health insurers came forward and said if they denied a claim as a workers’ compensation insurer and ultimately began to pay under a health policy, and it was later determined through a hearing, an appeal, or a district court that it was, in fact, a workers’ compensation claim, they could be reimbursed for those expenses. We are seeking the same reciprocal arrangement in reverse.

Let us say we initially deny a claim, we do not think it is workers’ compensation, and we are ordered to pick up the claim. We pick it up and are not able to get a stay, so we begin to pay the bills and treat on the claim. If we are later successful on that appeal and it is determined not to be a workers’ compensation claim, then we do not think the workers’ compensation insurer should bear the burden of those expenses. We should have the same ability to go to the health insurer and request reimbursement for those expenses. That is what section 1 does.

During the hearing in the Senate, concerns were expressed by Rusty McAllister, president of the Professional Fire Fighters of Nevada, and Ryan Beaman, president of Clark County Firefighters Local 1908. We worked with them extensively to try to find a way to protect their health fund because of the uniqueness of the claims in NRS Chapter 617. They can be incredibly large and have different types of treatment plans. I sent an email to the Chairman of the Senate Committee on Commerce, Labor and Energy and told him that we probably would not be successful in getting an amendment agreed to, but surprisingly enough, we were able to pick up an amendment that is incorporated into the first reprint of the bill. It satisfied their concerns and kind of put a firewall between those sections in NRS Chapter 617.

Section 2 of the bill addresses language regarding the reopening of claims in the workers’ compensation law in NRS 616C.390. In subsection 5, there is a portion that refers to an injured worker being off work. Over time, that definition has begun to cause problems for us as well. Jason Mills was testifying earlier on a different bill and mentioned how case law begins to pile up. We have begun to see losses on what “off work” is when somebody was off work for an hour or half a day. We felt that the original legislative intent of this would be someone who was off work for a more extensive period of time to be in the reopening sections. In this section, we are looking to point to existing law in NRS 616C.400 to give some clarification as to what off work would mean. This section essentially talks about being off work for 5 consecutive days, or 5 days out of 20, and is a trigger used for the temporary total disability (TTD) benefits. Our initial version of this bill did not reference NRS 616C.400 until we worked with the Nevada Justice Association (NJA) to try to clarify what we were intending to do. That is where we incorporated a specific reference to NRS 616C.400.

Section 3 of the bill addresses the current limitation on the amounts of a permanent partial disability (PPD). Currently, you cannot take more than 25 percent of your PPD in a lump sum, the balance of which is paid in installments, and those installments can be paid until the individual is age 70. With the recent developments in bringing in the fifth edition of the *Guides to the Evaluation of Permanent Impairment* and addressing activities of daily living, we are finding more and more claims coming in with PPDs that exceed 25 percent. There are some situations where you could have a 25-year-old injured worker who wanted a lump sum for his claim; we would give him the 25 percent, and he would have 1 or 2 percentage points left over, and we would be sending him a small check every year until he was 70 years old. We think the change is appropriate because this section has not been updated in more years than I could find. I could not find where we put 25 percent in, and I only go back to 1991 with my work in workers’ compensation in Nevada.

In section 3, our recommendation is to move that up to 30 percent. By choice, if an injured worker wants a lump sum, he can take up to 30 percent with the language we are proposing here, and the balance and installments. Recognizing that the PPD awards have escalated over time, we feel it appropriate to move that percentage up a bit. Do not forget that this is a voluntary move. With a PPD, the injured worker, if he chooses to, could take installments. This was a limitation placed in the law to prevent the situation where an injured worker, without intent of finding himself in duress because he was behind in his bills and had other issues going on, would take a lump sum and then would not have any additional money. I believe that is why the 25 percent was originally

put in. I was not here for that, but we are looking to raise that in recognition of the increase in the PPD awards that is occurring.

The other part of that section also clarifies that the person, over time, cannot receive more than 100 percent of the whole body, or what we call a “whole man.” When you look at the body, it is a 100 percent body; if you get a PPD that is 20 percent, that is 20 percent of the whole body. Unfortunately we sometimes have individuals with multiple claims, and we are looking to clarify that you cannot get more than 100 percent of what your whole man is. The American Medical Association’s *Guides to the Evaluation of Permanent Impairment* gives us direction on how to calculate that just in case somebody had a PPD that was on a second, third, or fourth version. There are methods in there on how to calculate and adjust those. We believe it is appropriate to point out that 100 percent of the whole man is the limitation.

CHAIRMAN KIRNER:

Are there any questions?

ASSEMBLYMAN ELLISON:

Let us say an injured worker gets a PPD of 30 percent and takes a lump sum. Can he reopen that claim ten years down the road?

DON JAYNE:

This section does not really impact that, if I understand your question. I was talking about reopening in a different section. Section 3 does not apply to reopening. Under section 3, when it is time to get your PPD award, when you get your lump sum, the lump sum could go from 25 percent to 30 percent. All the other limitations would still exist.

ASSEMBLYWOMAN CARLTON:

I have some concerns with the limits. This will impact the injured worker because if he hits 110 percent or 155 percent, statutorily, we are going to be taking a benefit away from him. I have some problems with that. I know it does not happen often and it is probably someone who was injured over his career, but there could be a construction worker who gets injured when he was younger, middle-aged, and older, and if he subsequently injures himself again, by the time you add all of this together, we will be taking a benefit away. I do not think it is something we should take lightly and gloss over. How many people do we have who are over 100 percent? Do we know?

DON JAYNE:

We have addressed these issues and discussed them over time. I do not have a number of how many are over 100 percent. What may be helpful is if I could bring to you the way that is calculated and we could start a conversation. It is my understanding—and I am not an expert on how to do a PPD rating—that there are guidelines and directions within the rating guides. If possible, I would like to show those to you individually. If there are problems from there, we can take a look at the language.

ASSEMBLYWOMAN CARLTON:

If we do not talk about it in the Committee, there is no record of it. Meetings in our offices are great, but getting answers in the Committee is the way we build an actual record. I want to make sure that everyone understands this proposal takes away money from injured workers.

ASSEMBLYWOMAN KIRKPATRICK:

In section 1, subsection 4, starting at line 36, does this in any way help expedite the process? I had a firefighter in my district who was waiting for his workers’ compensation claim to go through. Unfortunately, he passed away before that came to fruition. If we are going to solve one problem, we should look at how we get people in and through the system. As far as the payment and the appeal process, is it expedited at all? It is kind of like social security; they deny you first and make you go back and reprove everything. I am wondering if this speeds up the time frame.

DON JAYNE:

Unfortunately, I do not believe the intent in bringing this bill was to try to speed up the process. It may not speed up the process. The very nature of what we are bringing here would say that, for

whatever reason, the insurer had denied the claim. That could be in the presumptive benefits or somewhere else, but it is across the board. If the insurer is of the mindset that it is not a workers' compensation claim and they want to deny it, this process begins. The workers' compensation insurer is then ordered to pick up the claim and starts paying it.

We do not want anybody out-of-pocket for that money, so the workers' compensation company will begin to pay it. However long it takes for that process to complete and come to resolution in the adjudication of the claim—a determination of whether it is a compensable claim—these provisions would come in once that is over. If the workers' compensation company was correct, if it was ultimately determined it was not a workers' compensation claim and should have been paid by health insurance or some other form, and if the workers' compensation company had bills, then it would have a right to seek reimbursement from the health insurer.

ASSEMBLYWOMAN KIRKPATRICK:

I wish we could fix the process so that it could go much quicker. Do you foresee a situation in the appeal process where a worker could get stuck with a large medical bill that somebody said was not workers' compensation, but it was regular, and now they are in a catch-22? My concern is that I do not want people to assume that the bill is being paid, and then it comes back through an appeal process where it shows it was never workers' compensation. Now they have someone putting a lien on their home or something similar. Is there a time frame? I do not see any numbers as to what we think the time frame should be so it does not get so far out there that it is hard to come back.

DON JAYNE:

The intent of this proposed legislation would be to recover, but to recover from the insurer, not the individual. It is not our intent to go after the individual. It would be our intent to be reimbursed by the health insurer with these provisions. If it is not clear in the bill, I would like to be clear on the record. We are not looking to go after the injured worker. In this case, if the person had been deemed not an injured worker, it would not be our intent to go after the individual that might be disadvantaged by payments that we were making. We want to regress against other insurers.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Jayne, I was pretty hard on you in regard to the first workers' compensation bill you brought before this Committee, so I want to applaud you for going back to the way we have done things in the past, because they are complicated issues. I appreciate that people have been working to try to address the concerns.

ASSEMBLYMAN OHRENSCHALL:

The language in section 2, subsection 5, states, "An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if: (a) The claimant" You are striking the language "was not off work" and adding "did not meet the minimum duration of incapacity as set forth in NRS 616C.400," which says 5 days in a 20-day period. Can you explain this section? My other question has to do with the lump sum payments going from 25 percent to 30 percent in section 3.

DON JAYNE:

I will need clarification on your question in regard to section 3. Addressing your first question, it was my intent to try to explain that the original language, "was not off work," has been in the statutes for quite some time. It has become difficult to understand what that means. We are beginning to find that in court cases, if somebody was off work for any amount of time, they were technically off work. We do not believe that is the intent. In fact, we would like to recommend that we help define that in some fashion. The best language we had—and we ultimately worked with the NJA on this—was to point to existing statutory language to try to clarify it. We are trying to get clarification that the reopening is intended for claims where the person had met the criteria, received TTD payments or other payments, PPD payments, and qualifies for the reopening.

ASSEMBLYMAN OHRENSCHALL:

What is the rationale for going from 25 percent to 30 percent on the lump sum payments?

DON JAYNE:

The 25 percent provision has been in statute for many years, longer than I can personally remember. We are finding, with the evolution, changes, and additional guides coming in, that many injuries—particularly back injuries, knee injuries, shoulder injuries, and neck injuries—are resulting in awards that exceed 25 percent. We are looking to provide the injured worker with an opportunity if he wants a lump sum. For example, for a 28 percent PPD award, rather than giving the injured worker a 25 percent lump sum and saying the marginal difference of 3 percent is going to be paid out in installments for the rest of your life or until you are age 70, we are allowing him to take a lump sum of up to 30 percent, if he chooses, and the difference beyond that in installments. We are looking to increase that lump sum amount from 25 percent to 30 percent to capture the larger number of awards that are falling into that range.

ASSEMBLYMAN NELSON:

If I am reading the bill correctly, though, that only applies to injuries that were sustained prior to July 1, 1995. Am I reading that wrong, in section 3, subsection 1, paragraph (c)?

DON JAYNE:

Mr. Ostrovsky says that it did not exist before that. My general recall is that over time, as legislatures met and made changes to the provisions, these were scaled in there to recognize some of those changes.

ASSEMBLYMAN NELSON:

What if somebody is injured after 1995? Do you still want the hike up to 30 percent? I do not see that in the bill.

DON JAYNE:

Yes.

BOB OSTROVSKY:

It is just the reverse. I think people prior to the enactment of the 25 percent did not have the option of taking a lump sum. They always received installment payments. I was around when we bargained the 25 percent, Danny Thompson of the AFL-CIO and I. It was a number we picked out of the air at the time, but the concern of organized labor was that an injured worker, let us say a roofer, got a choice of a lump sum or payments. Too many people could take lump sums and a year later go back on the same roof after the doctor said he should not be a roofer anymore. It was an incentive to put some money in the hands of the injured worker, but to make some protections that that same injured worker did not end up on Medicaid or having to get some other public assistance; that is not the purpose of workers' compensation. I will admit the date in there is confusing.

CHAIRMAN KIRNER:

I will invite those in support of the bill to the table.

JASON MILLS, REPRESENTING NEVADA JUSTICE ASSOCIATION:

We are here in support of S.B. 232 (R1) and would like to thank Mr. Jayne for working on this bill, as well as Senator Settelmeyer. I wanted to point out a couple of issues that I think I heard, and I could probably help clarify them from a legal standpoint. In regard to Assemblywoman Kirkpatrick's question on the speed of the benefits being provided, I do not think it will impact that. In section 1, currently what happens is, if the claim is denied and then they lose at a hearing or appeal or at the district court, they often request a motion for stay. That is, even though they have lost and the claimant has won, the insurer or self-insured employer will ask for a stay. Those are regularly granted because the insurer or the self-insured employer indicates that they have no ability to recapture the money if they ultimately are successful and it is proven that it is not a compensable claim.

The reason we are in support of section 1 is we think it will help the claimants, because when they bring the stay motion, they now have the ability to subrogate against a health insurer. Regarding the past argument, when they say they were right but cannot recapture their money, we get to point out, Yes, you do because the person has health benefits, so go ahead and provide those

benefits in the meantime. We think the ability for the claimant to get medical benefits and have their stays more often denied with regard to medical benefits will inure to the benefit of the claimant and still protect the insurers and the employers if there is health coverage that they can then turn around and subrogate against. The way I read it, this particular language does not allow them to go after the individual claimant, only against those health and casualty insurers.

Our original concern with regard to section 2 was that they wanted the reopening of a claim tied to whether or not the claimant had received short-term disability benefits. Our concern was that it should not be based upon the reception of those benefits, because you could have bad actors basically not provide the benefits to which the injured worker is entitled for a period of days, weeks, or months. Then the injured worker seeks to reopen the claim, and they are a year past that, and they would have been entitled to months of TTD, but since they did not receive it, they would be able to deny it. We proffered this particular language because we think it was in response to the Nevada Supreme Court case *Williams v. United Parcel Services*, 129 Nev. Adv. Op. No. 41 (2013), where their concern was that a person was off work only half of his shift, and he was able to reopen the claim for greater than a year.

They wanted to mimic the entitlement statute of short-term disability pay of the 5 days in 20 days or 5 consecutive days, so we proffered why not be off work for the minimum duration of incapacity as defined by NRS 616C.400. They were not comfortable with using the language “off work.” I think the *Williams* case spooked them, to be frank. It seemed to make most sense that as long as we mirror that duration of incapacity under NRS 616C.400, it waylaid their concerns, but still protects injured workers from reopening the claim within the one year, and then allows them to reopen for life beyond that.

There was a question that Assemblyman Nelson brought forth with regard to section 3 on the 30 percent applying to injuries sustained prior to 1995. You will note that section 3, subsection 1, paragraph (d) gives the DIR Administrator the power to set the lump sum. I have been practicing workers’ compensation for 15 years, and it has been my experience that the DIR usually mimics whatever the statute is for the lump sum cap. It is our understanding that the DIR would then see these changes and implement a 30 percent lump sum by regulation. Technically, this would not compel them to do it, but it has been their practice to basically look at the statute and mirror the percentage cap in regulation.

TERRY GRAVES, REPRESENTING NEVADA TRUCKING ASSOCIATION:

We are in support of this bill and would like to thank those who put the bill together.

JUSTIN HARRISON, DIRECTOR, GOVERNMENT AFFAIRS, LAS VEGAS METRO CHAMBER OF COMMERCE:

I would like to echo the comments of Mr. Jayne and Mr. Ostrovsky. We are in support of S.B. 232 (R1) and the proposed changes to NRS Chapter 616.

BRYAN WACHTER, SENIOR VICE PRESIDENT, RETAIL ASSOCIATION OF NEVADA:

We, too, support this bill.

CHAIRMAN KIRNER:

Are there any other questions? [There were none.] Is there anyone in opposition to this bill?

RUSTY MCALLISTER, PRESIDENT, PROFESSIONAL FIRE FIGHTERS OF NEVADA:

I am in opposition to section 2, subsection 5, located on page 6, lines 19 through 21, of the bill. We believe that this adds another hurdle for an employee to reopen a claim. Many times the insurers reference NRS 616C.400, which states that to be considered for a partial disability, you have to have been off work for either 5 consecutive days or 5 days in a 20-day period. We believe that provision was set up in law a long time ago for a person who works an eight-hour day. For a person who does not work an 8-hour day, but works 24-hour shifts and injures his knee and gets sent home, now he is off for his cycle, which is three 24-hour shifts. All told, that is a two-week period—the days off that he has prior to his cycle, his cycle, and the days off he has afterward. He may be able to come back to work and only miss 3 days of work, but he has been off for 13 days. If he does not have any type of settlement, which he would not, the question would be, Would he not be able to reopen his claim down the road if the condition worsened?

We had a conversation with Mr. Jayne earlier, and he is aware of my concerns. The gentleman who was with him confirmed that this person in the example would not be able to reopen his claim if it got worse, based on the provisions of this the way it is. We currently have insurers in this state that are denying claims for heart and lung benefits, under NRS Chapter 617, by referring to the provisions under NRS 616C.400. If you are not off work for a total of five days, they deny your claim in heart, lung, and cancer claims, saying that you are not disabled because you were not off work for five days. If a worker has an atrial fibrillation and he goes to the doctor on his days off, gets treated, gets medication, and returns to work, they say he has no disability and he has not been off work for five days, so therefore, we are denying his claim. This would make it so that person could not reopen the claim. They would not accept it in the first place, but even if they did accept it, he could not reopen it later.

We certainly have concerns, especially because of the number of claims that are being denied under NRS Chapter 617 using a provision in the law that is not in NRS Chapter 617. *Nevada Revised Statutes* Chapter 617 says, “Notwithstanding any other provision of this chapter,” yet they are using NRS 616C.400 to deny our claims. When we saw that, it certainly raised bells and whistles for us. We had concerns that this might be an attempt by insurers to find another means by which to deny our claims.

TIM ROSS, PRESIDENT, WASHOE COUNTY SHERIFF DEPUTIES ASSOCIATION, AND REPRESENTING PEACE OFFICERS RESEARCH ASSOCIATION OF NEVADA:

I wanted to echo the sentiments of Mr. McAllister and add the alternative shift. We also work the alternative shifts and wanted to take a look at that.

ASSEMBLYMAN O’NEILL:

Mr. McAllister, what is your proposed fix?

RUSTY MCALLISTER:

I do not know the proposed fix. I believe that Mr. Jayne’s intent is not to inflict upon NRS Chapter 617. As far as someone who gets hurt and is off for three shifts, but it equates to two weeks and then they lose their claim, I do not know how you can fix that. The NJA agreed to this, but I do not know whether they thought about people like us who do not work an eight-hour shift.

CHAIRMAN KIRNER:

Is there anyone who is neutral? [There was no one.] Mr. Jayne, do you have a response for Mr. McAllister?

DON JAYNE:

I think Mr. McAllister fairly represented our conversation. We are in a reopening section and looking to clarify the off-work portion of the bill. There is already a claim when you are in the reopening section, so it is not a claim compensability issue. I appreciate how complex and confusing the sections of NRS Chapter 617 can be in regard to the presumptive benefits. If individuals are using this loophole or this option to deny claims, that is certainly not our intent. We do not want this used to deny claims. We are trying to find a way to clarify what the definition for “off work” is. We felt we had a statutory definition we could point to, but Mr. McAllister sees this definition as a problem because it is being used in some circumstances to deny a claim. It is not our intent to put this in here for claims denial or anything of that nature.

I appreciate what Assemblywoman Kirkpatrick said about trying to hammer this out. We will continue to try to get this done. It has always been our intent to try to work with the opposition. When opposition came forward on this bill, we tried to work with them. Unfortunately, we created another concern when we pointed to NRS 616C.400.

CHAIRMAN KIRNER:

We will close the hearing on S.B. 232 (R1). I appreciate all those who testified today and everyone’s hard work. Is there any public comment? [There was none.]

GENERAL FILE AND THIRD READING

Senate Bill No. 242.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 242 enacts the Payday Lender Best Practices Act, which adopts certain provisions of the Community Financial Services Association of America's Best Practices for the Payday Loan Industry. The provisions of this bill apply to a licensee operating a deferred deposit loan service, a high-interest loan service, or a title loan service.

I have seen many payday loan bills come before our body in my time, but this is the first one I am actually going to vote for. We do want to have consistent best practices as other states have, and I think this will be beneficial to the folks in our state who use this type of financial service. I urge your support.

Roll call on Senate Bill No. 242:

YEAS—42.

NAYS—None.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 6, 11, 15, 17, 24, 32, 43, 47, 53, 54, 57, 59, 62, 81, 86, 88, 92, 101, 106, 108, 116, 124, 130, 140, 143, 151, 153, 158, 162, 183, 192, 193, 195, 201, 204, 212, 223, 224, 227, 231, 243, 246, 251, 267, 268, 270, 285, 292, 301, 305, 308, 324, 362, 366, 371, 377, 384, 391, 419, 422, 425, 449, 454; Assembly Joint Resolution No. 1.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 78, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 261 and 583 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

ROBIN TITUS

IRA HANSEN

RICHARD CARRILLO

Assembly Committee on Conference

DONALD GUSTAVSON

PETE GOICOECHEA

JAMES SETTELMAYER

Senate Committee on Conference

Conference Amendment No. CA1.

AN ACT relating to wildlife; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State

Predatory Animal and Rodent Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) **Sections 1 and 1.2** of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) **Sections 1.4-1.6** of this bill make various changes relating to those boards.

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) **Section 4** of this bill revises the provisions governing the use of this money. **Section 4** also requires the ~~{Commission}~~ **Department, before adopting any program for the management and control of predatory wildlife,** to consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee. ~~1. the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.~~

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) **Section 5** of this bill adds two new members to the Committee and establishes their qualifications. **Section 8** of this bill requires the Chair to designate the two additional members described in **section 5** of this bill as soon as practicable after the effective date of this bill. **Sections 6 and 7** of this bill make various changes relating to the meetings of the Committee.

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

Section 1. NRS 501.105 is hereby amended to read as follows:

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. ***In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.***

Sec. 1.2. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The **management and** control of **predatory** wildlife. ~~{depredations.}~~

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. ~~{The}~~ **If, in establishing any regulations {must be established after first considering} pursuant to this subsection, the Commission rejects the recommendations of {the Department, the} a county advisory {boards} board to manage wildlife {and others who wish to present their views at an open meeting.} with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife {a written} at the meeting an explanation**

of the Commission's decision to reject the recommendations ~~for~~ and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. *In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.*

Sec. 1.4. NRS 501.290 is hereby amended to read as follows:

501.290 The board shall meet before ~~{those meetings}~~ **each meeting** of the Commission ~~{at which seasons, bag limits or hours are to be established}~~ and at such other times as the chair may call or the Commission may request.

Sec. 1.5. NRS 501.297 is hereby amended to read as follows:

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife. ~~{within their respective counties.}~~

Sec. 1.6. NRS 501.303 is hereby amended to read as follows:

501.303 1. The boards shall submit recommendations for **the management of wildlife and** setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and

establishment of regulations . ~~{covering open or closed seasons, bag limits, hours and other regulations or policies.}~~

2. The chair or vice chair, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission ; ~~{at which seasons are set or bag limits, hours or other regulations and policies are established;}~~ and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

Sec. 1.8. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) ~~{Programs}~~ ***Developing and implementing an annual program*** for the management and control of ~~{injuriously}~~ predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals ~~{}~~ ***and*** sensitive wildlife species ; and ~~{related wildlife habitat;}~~

(c) Conducting research ~~{, as needed,}~~ ***necessary*** to determine successful techniques for managing and controlling predatory ~~{wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and}~~

~~—(d) Programs for the education of the general public concerning the management and control of predatory} wildlife.~~

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of ~~{may be implemented or conducted only if the program, activity or research is approved by}~~ the Commission ~~{pursuant to subsection 4 and is}~~ in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to ~~{subsection 2 of}~~ NRS 501.181.

4. ~~The {Commission,}~~ ***Department:***

(a) ~~In {approving}~~ adopting any program for the management and control of predatory wildlife developed for wildlife management activity or research conducted} pursuant to this section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020 . ~~{, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.}~~

(b) Shall not ~~approve~~ adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the ~~immediately preceding~~ most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. NRS 567.030 is hereby amended to read as follows:

567.030 The Committee consists of ~~five~~ **the following seven** members ~~{}:~~:

1. Two members ~~must be~~ designated by the State Board of Agriculture from among its members, one of which must be the appointee for range or semirange sheep production.

2. One member ~~must be~~ designated by the Board of Wildlife Commissioners from among its members.

3. One member ~~must be~~ designated by the State Board of Health from among its members.

4. One member ~~must be~~ designated by the Nevada Farm Bureau **Federation** from among its members.

5. **One member designated by the Chair of the Committee from among the persons who make application to the Committee who:**

(a) Must have been issued a license to hunt, trap or fish in this State in at least 3 of the 5 years immediately preceding the date on which he or she is designated as a member; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the ~~5 years~~ year immediately preceding the date on which he or she is designated as a member.

6. **One member designated by the Chair of the Committee from among the persons who make application to the Committee who:**

(a) Must hold a license as a master guide issued pursuant to NRS 504.390; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the ~~5 years~~ year immediately preceding the date on which he or she is designated as a member.

Sec. 6. NRS 567.040 is hereby amended to read as follows:

567.040 1. ~~Upon and following its organization~~ **At the first meeting of each year, the** Committee shall select its own Chair ~~{} and Vice Chair from among its members. A member may not serve as the Chair or Vice Chair for more than two consecutive terms.~~

2. *Upon the selection of the Chair at the first meeting of each year, the Chair shall designate the members described in subsections 5 and 6 of NRS 567.030.*

3. The Secretary of the State Board of Agriculture shall serve as Secretary of the Committee.

Sec. 7. NRS 567.070 is hereby amended to read as follows:

567.070 The Committee's Secretary shall call the first meeting of the Committee *each year* following the designation of ~~its~~ *the* members ~~as provided~~ *described in subsections 1 to 4, inclusive, of* NRS 567.030.

Sec. 8. Notwithstanding the amendatory provisions of subsection 2 of section 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall, as soon as practicable after the effective date of this act, designate the members of the Committee described in subsections 5 and 6 of NRS 567.030, as amended by section 5 of this act, each to serve a term that expires on the date of the first meeting of the Committee that occurs on or after January 1, 2017.

Sec. 9. This act becomes effective upon passage and approval.

Assemblywoman Titus moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 78.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

The Conference Committee Report with Amendment 1 does several things. It concurs in two Senate amendments, 261 and 583. The conference amendment also requires the Department of Wildlife to consider the recommendations of the Wildlife Commission and the Predatory Animal and Rodent Committee before adopting programs for managing and controlling predators. It also makes a minor change to the time frame used to calculate the percentage of money to be spent on the predator control. For the new members of the Predatory Animal and Rodent Committee appointed to represent hunters and sports people, it only excludes persons with a wildlife violation in the past year rather than the past five years.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 136.

The following Senate amendment was read:

Amendment No. 700.

AN ACT relating to wildlife; requiring the ~~Department~~ **Board** of Wildlife **Commissioners to adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in the killing and retrieval of a big game mammal; requiring the Department of Wildlife to** make reasonable accommodations for the completion of a course in the responsibilities of hunters by persons with disabilities; authorizing a person hunting ~~with~~ **during a period of a hunting season in which hunting is restricted to the use of only** archery equipment or a muzzle-loading firearm to carry certain ~~firearms~~ **handguns for self-defense;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~authorizes~~ **requires** the ~~Department~~ **Board** of Wildlife **Commissioners** **to establish certain policies and adopt certain regulations to carry out and enforce the provisions of title 45 of NRS and chapter 488 of NRS. (NRS 501.181) Section 2.1 of this bill requires the Commission to adopt regulations prescribing the circumstances under which a person may assist in the killing and retrieval of a wounded big game mammal by another person who: (1) is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and (2) has obtained a valid tag issued by the Department for hunting that animal.**

Existing law authorizes the Department of Wildlife to provide a course of instruction in the responsibilities of hunters and requires a person to complete such a course before obtaining a hunting license. (NRS 502.330, 502.340) **Section 2.5** of this bill requires the Department to make reasonable accommodations for the completion of the course in the responsibilities of hunters by a person with a disability.

Existing law provides for the manner of hunting game birds and game mammals. (NRS 503.090-503.245) **Section 3** of this bill authorizes a person **who is hunting ~~with~~ during any period of an open season during which hunting is restricted to the use of only** archery equipment or a muzzle-loading firearm to carry for self-defense a ~~firearm~~ **handgun** that: (1) has a barrel length of less than 8 inches; and (2) does not have a telescopic sight.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

Sec. 2.2. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) ~~Other~~ **Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other** than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

- (a) The nature of the offense;
- (b) The circumstances surrounding the offense;
- (c) The defendant's understanding and appreciation of the gravity of the offense;
- (d) The attitude of the defendant towards the offense; and
- (e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 2.3. NRS 502.140 is hereby amended to read as follows:

502.140 1. Tags may be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one management area, or that one tag may be used in several management areas, as designated by the Commission.

2. The Commission shall designate the number of tags for any species which may be obtained by any one person, and it is unlawful for any person to obtain tags for the person's use in excess of this number. Except as otherwise provided in NRS 502.145, ~~and~~ **and the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181,** it is unlawful for any person to use or possess tags issued to any other person, or to transfer or give tags issued to him or her to any other person.

Sec. 2.5. NRS 502.340 is hereby amended to read as follows:

502.340 1. The Department shall certify instructors who will, with the cooperation of the Department, provide instruction in the responsibilities of hunters established by the Department to all eligible persons who, upon the successful completion of the course, must be issued a certificate. Persons who are disqualified from obtaining a hunting license, pursuant to NRS 502.330, are eligible for the course.

2. *The Department shall make reasonable accommodations for the completion of the course by a person with a disability.*

Sec. 3. NRS 503.150 is hereby amended to read as follows:

503.150 1. Unless otherwise specified by Commission regulation, it is unlawful to hunt:

(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by Commission regulation.

(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game mammal with the aid of any artificial light.

(g) Any big game mammal, except mountain lions, with a dog of any breed.

2. **A person who is hunting ~~with~~ during any period of an open season during which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm:**

(a) May carry for self-defense a ~~firearm~~ handgun that:

- (1) Has a barrel length of less than 8 inches; and**
- (2) Does not have a telescopic sight.**

(b) May not use the ~~firearm~~ handgun carried pursuant to paragraph (a) to hunt any wildlife.

3. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game mammals.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved that the Assembly concur in the Senate Amendment No. 700 to Assembly Bill No. 136.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 107.

The following Senate amendment was read:

Amendment No. 736.

AN ACT relating to education; requiring reports of accountability for public schools to include certain information regarding pupils who qualify for free or reduced-price lunches pursuant to federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education, the boards of trustees of school districts and the sponsors of charter schools to prepare annual reports of accountability that contain certain information regarding public schools and pupils enrolled in public schools. (NRS 385.347, 385.3572) **Section 1.2** of this bill requires the annual report of accountability prepared by each school

district and the sponsor of each charter school to include: (1) the number and percentage of pupils who are eligible for free or reduced-price breakfasts pursuant to federal law; (2) the number and percentage of pupils who are eligible for free or reduced-price lunches pursuant to federal law; (3) the number and percentage of pupils who are eligible for free or reduced-price breakfasts and who receive free and reduced-price breakfasts; (4) the number and percentage of pupils who are eligible for free or reduced-price lunches and who receive free and reduced-price lunches; (5) a comparison of the achievement and proficiency of pupils, reported separately by race ~~and~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches; and (6) a comparison of pupils, reported separately by race ~~and~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free and reduced-price lunches and pupils who receive free and reduced-price lunches in certain areas for which data is collected. **Section 1.2** also authorizes the State Board of Education to adopt any regulations necessary to carry out the provisions of this bill. **Section 1.4** of this bill requires the annual report of accountability prepared by the State Board to include the same information for the State as a whole.

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

Section 1. Chapter 385 of NRS is hereby amended by adding the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. 1. *The annual report of accountability prepared pursuant to NRS 385.347 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:*

(a) *The number and percentage of pupils who are eligible for free or reduced-price breakfasts;*

(b) *The percentage of pupils who receive free and reduced-price breakfasts;*

(c) *The number and percentage of pupils who are eligible for free or reduced-price lunches;*

(d) *The percentage of pupils who receive free and reduced-price lunches;*

(e) *A comparison of the achievement and proficiency of pupils, reported separately by race ~~and~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and*

reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race ~~and~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

- (1) Retention rates;*
- (2) Graduation rates;*
- (3) Dropout rates;*
- (4) Grade point averages; and*
- (5) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.*

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.4. The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race ~~and~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race ~~and~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

- (a) Retention rates;*
- (b) Graduation rates;*
- (c) Dropout rates;*

(d) *Grade point averages; and*

(e) *Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.*

Sec. 2. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.3891, inclusive, **and sections 1.2 and 1.4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.3891, inclusive, **and sections 1.2 and 1.4 of this act** do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 4. 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 NRS 385.347 to 385.3495, inclusive, **and section 1.2 of this act** 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 a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, **and section 1.2 of this act**, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, **and section 1.2 of this act**, 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 Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

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 subsection 2 and NRS 385.347 to 385.3495, inclusive, **and section 1.2 of this act**, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to this section 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.

6. 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.

7. 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 this section 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;
- (5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(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 this section 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.

8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 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 this section.

Sec. 4.5. NRS 385.3572 is hereby amended to read as follows:

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive ~~and~~, **and section 1.4 of this act.**

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, **and section 1.4 of this act**, 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 Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools 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) Be prepared in a concise manner; and
- (b) 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;
- (6) Governing body of each charter school; and
- (7) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.

5. Upon the request of the Governor, the Attorney General, 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.

Sec. 5. This act becomes effective ~~for~~ **on** **July 1, 2015**:

1. On July 1, 2015, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 736 to Assembly Bill No. 107.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 660.

AN ACT relating to education; revising the policy for all school districts and public schools to provide a safe and respectful learning environment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Education is required to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying, cyber-bullying and violence. (NRS 388.121-388.145) **Section 1** of this bill expands the goals to establish a safe and respectful learning environment in public schools in this State to include ensuring that the quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers or other personnel of a school district. **Section 2** of this bill requires the policy prescribed by the Department for all school districts and public schools to provide a safe and respectful learning environment to include methods to promote a positive learning environment.

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

Section 1. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying and cyber-bullying; ~~and~~

(c) ***The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers or other personnel of a school district; and***

(d) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135 ~~and~~ **, including, without limitation, violations among teachers and violations between teachers and administrators, principals and other ~~educational~~ personnel ~~of a school district;~~** and

(b) A policy for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) **Methods to promote a positive learning environment;**

(4) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~and~~ (5) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 660 to Assembly Bill No. 112.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 150.

The following Senate amendment was read:

Amendment No. 659.

AN ACT relating to education; revising the eligibility criteria for a student to receive a Governor Guinn Millennium Scholarship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a student to maintain a certain grade point average based on his or her year of graduation to be eligible for a Governor Guinn Millennium Scholarship. (NRS 396.930) This bill extends eligibility for such a scholarship to students who do not meet the minimum grade point average requirement, but who receive a certain score on a college entrance examination ~~offered~~ **administered to the student while the student was enrolled as a**

pupil in a public or private high school in this State. This bill requires the Board of Regents of the University of Nevada to establish such score requirements.

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

Section 1. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) ~~Maintained~~ ***Except as otherwise provided in paragraph (e), maintained*** in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; ~~and~~

(e) ***Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents ~~that~~ that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and***

(f) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
➡ to be eligible for Millennium Scholarships.

4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

- (a) Are pursuing a career in education or health care;
- (b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or
- (c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 659 to Assembly Bill No. 150.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 189.

The following Senate amendment was read:

Amendment No. 679.

AN ACT relating to special license plates; authorizing the Commission on Special License Plates to request the Legislative Commission to direct the Legislative Auditor to perform an audit of certain charitable organizations which receive additional fees collected by the Department of Motor Vehicles for special license plates; revising provisions regarding the application submitted to the Department by certain persons seeking a special license plate intended to generate financial support for an organization; revising provisions requiring certain charitable organizations which receive additional fees paid for special license plates to provide certain documents and records annually to the Commission on Special License Plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons may apply to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate that is intended to generate financial support for a charitable organization. The application must include certain information about the person requesting the special license plate, the charitable organization, if different from the person requesting the special license plate, and information about the intended use of the financial support. (NRS 482.367002) **Section 6** of this bill requires that such an application also include a budget prepared by or for the charitable organization if the charitable organization is not a governmental entity whose

budget is included in the executive budget. **Section 6** also requires the Department to notify the Commission on Special License Plates (hereinafter referred to as “the Commission”) and the charitable organization upon making a determination to issue the special license plate.

Existing law requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission a balance sheet and a recent bank statement. (NRS 482.38277) The Commission is required to provide those documents to the Legislative Auditor, who is required to prepare a final written report for the Commission regarding the propriety of the financial administration and recordkeeping of the charitable organization. (NRS 482.38278) **Section 2** of this bill authorizes the Commission to request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization that receives fees from the sale of special license plates if the Commission has reasonable cause to believe or has received a credible complaint that the charitable organization has: (1) filed with the Commission or the Department forms or records that are inadequate or inaccurate; (2) committed improper practices of financial administration; or (3) failed to use adequate methods and procedures to ensure that all money received in the form of additional fees from special license plates is expended solely for the benefit of the intended recipient. The Commission may also request the Legislative Commission to direct the Legislative Auditor to perform such an audit if the Commission determines that an investigation and audit are reasonably necessary to assist the Commission in administering any provision of existing law which the Commission is authorized to administer.

Existing law also requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission updated information regarding the telephone number and mailing address of the charitable organization and the names of persons who are responsible for overseeing the operation of the charitable organization. (NRS 482.38277) **Section 8** of this bill further requires that the charitable organization provide the Commission annually with a report on the budget of the organization which provides details about how the fees received from the special license plates have been expended and a copy of the most recent federal tax return of the organization, if any, including all schedules related thereto. **Section 8** also requires the charitable organization: (1) to post annually on its Internet website the most recent federal tax return of the charitable organization, if any, including all schedules related thereto; or (2) if the charitable organization does not have an Internet website, to publish annually the most recent federal tax return of the charitable organization, if any, including all schedules related thereto, in a newspaper of general circulation in the county where the charitable organization is based.

Existing law authorizes the Commission to recommend that the Department take adverse action against a charitable organization that receives fees from the sale of special license plates if the Commission makes certain determinations about the organization, and after the organization has had an opportunity for a hearing on those determinations. The adverse action recommended may include the suspension of the collection of all additional fees collected on behalf of the charitable organization and the suspension of production of the special license plates from which the charitable organization receives additional fees, if the Department is still producing that design. (NRS 482.38279) **Section 10** of this bill adds to the criteria on which the Commission may base such a determination the results of an audit prepared by the Legislative Auditor pursuant to **section 2**.

Section 4 of this bill provides that ~~all~~ certain records ~~related to the receipt or use of money~~ submitted to the Commission by a charitable organization that receives fees from the sale of special license plates are public records and are available for public inspection. Existing law provides that any personally identifiable information contained in such public records is confidential. (Chapter 239 of NRS, NRS 239B.030)

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The Commission on Special License Plates may request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization if the Commission on Special License Plates:*

(a) Has reasonable cause to believe or has received a credible complaint that the charitable organization has filed with the Commission on Special License Plates or the Department forms or records that are inadequate or inaccurate, has committed improper practices of financial administration, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; or

(b) Determines that an audit is reasonably necessary to assist the Commission on Special License Plates in administering any provision of this chapter which it is authorized or required to administer.

2. *If the Legislative Commission directs the Legislative Auditor to perform an audit of a charitable organization, the Legislative Auditor shall:*

(a) Conduct the audit and prepare a final written report of the audit;

(b) Distribute a copy of the final written report to each member of the Commission on Special License Plates; and

(c) Present the final written report to the Commission on Special License Plates at its next regularly scheduled meeting.

3. *Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report of the audit may include, without limitation:*

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission on Special License Plates or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 3. 1. *Upon receiving notification by the Department pursuant to subsection 5 of NRS 482.367002 that a special license plate that is intended to generate financial support for an organization will be issued by the Department, a charitable organization, not including a governmental entity whose budget is in the executive budget, that is to receive additional fees shall, if the charitable organization wishes to award grants with any of the money received in the form of additional fees, submit to the Commission on Special License Plates in writing the methods and procedures to be used by the charitable organization in awarding such grants, including, without limitation:*

(a) A copy of the application form to be used by any person or entity seeking a grant from the charitable organization;

(b) The guidelines established by the charitable organization for the submission and review of applications to receive a grant from the charitable organization; and

(c) The criteria to be used by the charitable organization in awarding such a grant.

2. *Upon receipt of the information required, the Commission shall review the procedures to determine if the methods and procedures are adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient. If the Commission determines that the methods and procedures are:*

(a) Adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

(b) Inadequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization and request that the charitable organization submit a revised version of the methods and procedures to be used by the charitable organization in awarding grants.

3. A charitable organization may not award any grants of money received in the form of additional fees until the procedures and methods have been determined adequate by the Commission pursuant to subsection 2.

Sec. 4. ~~All records of:~~

~~1. All documents and information submitted to the Commission pursuant to sections 2 and 3 of this act, NRS 482.38277 and 482.38278 by a charitable organization that is to receive additional fees, not including a governmental entity whose budget is in the executive budget, that are related to the receipt of or use of those fees; and~~

~~2. Any person who receives money from such a charitable organization in the form of a grant, that are related to the receipt of or use of that money, are public records and are available for public inspection as provided in chapter 239 of NRS.~~

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.

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, 482.379 or 482.37901, 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. 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 ~~(f)~~ (g) of subsection 2 of that section; and

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

Sec. 6. 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:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

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

(e) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of \$20,000; ~~and~~

(f) ***Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and***

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

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

↪ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a meeting of the Commission on Special License Plates, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. 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 recommends to the Department that the Department approve the application for that plate pursuant to subsection 5 of NRS 482.367004.

5. ***Upon making a determination to issue a special license plate pursuant to this section, the Department shall notify:***

(a) The person who requested the special license plate pursuant to subsection 1;

(b) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(c) *The Commission on Special License Plates.*

6. 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 recommended the Department approve for issuance pursuant to subsection 5 of NRS 482.367004; and
- (c) Complies with the requirements of subsection 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.

~~{6.}~~ 7. The Department must promptly release the surety bond posted pursuant to subsection 2:

- (a) If the Department 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, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 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.

~~{7.}~~ 8. If, during a registration period, 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. 7. NRS 482.38272 is hereby amended to read as follows:

482.38272 As used in NRS 482.38272 to 482.38279, inclusive, ***and sections 2, 3 and 4 of this act***, unless the context otherwise requires, the words and terms defined in NRS 482.38273 to 482.38276, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 482.38277 is hereby amended to read as follows:

482.38277 1. On or before September 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall prepare a

balance sheet for the immediately preceding fiscal year on a form provided by the Commission on Special License Plates and file the balance sheet, accompanied by a recent bank statement, with the Commission. The Commission shall prepare and make available, or cause to be prepared and made available, a form that must be used by a charitable organization to prepare such a balance sheet.

2. On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall provide to the Commission and the Department:

(a) A list of the names of the persons, whether or not designated officers, who are responsible for overseeing the operation of the charitable organization;

(b) The current mailing address of the charitable organization; ~~{and}~~

(c) The current telephone number of the charitable organization ~~{-}~~;

(d) A report on the budget of the charitable organization, including, without limitation:

(1) A copy of the most recent annual budget of the charitable organization; and

(2) A description of how all money received by the charitable organization in the form of additional fees was expended, including, without limitation, how that money was expended by the charitable organization, or any recipient or awardee of that money from the charitable organization; and

(e) A copy of the most recent federal tax return of the charitable organization, if any, including all schedules related thereto.

3. **On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall post on the Internet website of the charitable organization or, if no such Internet website exists, publish in a newspaper of general circulation in the county where the charitable organization is based, the most recent federal tax return of the charitable organization, if any, including all schedules related thereto.**

4. The Legislative Auditor shall prescribe:

(a) The form and content of the balance sheets required to be filed pursuant to subsection 1; and

(b) Any additional information that must accompany the balance sheets and bank statements required to be filed pursuant to subsection 1, including, without limitation, the methods and procedures used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient.

~~{4-}~~ 5. The Commission shall provide to the Legislative Auditor:

(a) A copy of each balance sheet and bank statement that it receives from a charitable organization pursuant to subsection 1; and

(b) A copy of the information that it receives from a charitable organization pursuant to subsection 2.

Sec. 9. NRS 482.38278 is hereby amended to read as follows:

482.38278 1. On or before September 30 following the end of each fiscal year, the Legislative Auditor shall present to the Commission on Special License Plates a final written report with respect to the charitable organizations for which the Commission provided to the Legislative Auditor a balance sheet pursuant to subsection ~~44~~ 5 of NRS 482.38277.

2. The final written report must be distributed to each member of the Commission before the report is presented to the Commission.

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 10. NRS 482.38279 is hereby amended to read as follows:

482.38279 1. If the Commission on Special License Plates determines that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or if, in a report provided to the Commission by the Legislative Auditor pursuant to NRS 482.38278, **or section 2 of this act**, the Legislative Auditor determines that a charitable organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

2. A charitable organization may request in writing a hearing, within 20 days after receiving notification pursuant to subsection 1, to respond to the determinations of the Commission or Legislative Auditor. The hearing must be held not later than 30 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

3. The Commission shall issue a decision on whether to uphold the original determination of the Commission or the Legislative Auditor or to

overturn that determination. The decision required pursuant to this subsection must be issued:

- (a) Immediately after the hearing, if a hearing was requested; or
- (b) Within 30 days after the expiration of the 20-day period within which a hearing may be requested, if a hearing was not requested.

4. If the Commission decides to uphold its own determination that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or decides to uphold the determination of the Legislative Auditor that the organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall issue its decision in writing and may recommend that the Department:

- (a) Suspend the collection of all additional fees collected on behalf of the charitable organization; and
- (b) Suspend production of the particular design of special license plates from which the charitable organization receives additional fees, if the Department is still producing that design.

5. If, in accordance with subsection 4, the Commission recommends that the Department take adverse action against a charitable organization, the Commission shall notify the charitable organization, in writing, of that fact within 30 days after making the recommendation. A charitable organization aggrieved by a recommendation of the Commission may, within 30 days after the date on which it received notice of the recommendation, submit to the Department any facts, evidence or other information that it believes is relevant to the propriety of the Commission's recommendation. Within 30 days after receiving all facts, evidence and other relevant information submitted to the Department by the aggrieved charitable organization, the Department shall render a decision, in writing, as to whether the Department accepts or rejects the Commission's recommendation. The decision of the Department is a final decision for the purpose of judicial review.

Sec. 11. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 679 to Assembly Bill No. 189.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 667.

AN ACT relating to drivers' licenses; authorizing reciprocal agreements with certain other countries concerning the licensing of drivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue a Nevada driver's license to an applicant who has a valid driver's license from a state which has requirements for the issuance of drivers' licenses which are comparable to those of this State. Existing law also authorizes the Director of the Department, acting as the Administrator, to enter into reciprocal agreements with the appropriate officials of other states concerning the licensing of drivers of motor vehicles. (NRS 483.245) **Section 1** of this bill authorizes the Department to issue a Nevada driver's license to an applicant who has a valid driver's license from a country which has requirements for the issuance of drivers' licenses which are comparable to those of this State, and authorizes the Director to enter into reciprocal agreements with the appropriate officials of other countries. **Section 3** of this bill requires the Director, in recognition of the 30th anniversary of the sister-state relationship between this State and ~~the Republic of China (Taiwan),~~ **Taiwan**, to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco for reciprocity in issuing drivers' licenses to: (1) residents of this State who reside in ~~the Republic of China (Taiwan),~~ **Taiwan**; and (2) Taiwanese citizens who reside in this State.

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

Section 1. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state **or country** which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.

3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of other states **or countries** concerning the licensing of drivers of motor vehicles.

Sec. 2. (Deleted by amendment.)

Sec. 3. The Director of the Department of Motor Vehicles, in recognition of the 30th anniversary of the sister-state relationship between this State and ~~the Republic of China (Taiwan),~~ **Taiwan**, shall, as soon as practicable, begin negotiations pursuant to the authority granted in section 1 of this act toward a reciprocal agreement between the Department of Motor Vehicles and ~~the Republic of China (Taiwan),~~ **Taiwan**, through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to residents of this State who reside in ~~the Republic~~

~~of China (Taiwan))~~ **Taiwan** and to Taiwanese citizens who reside in this State. Any agreement negotiated pursuant to this section must be in writing and signed by the Director of the Department of Motor Vehicles and the Director General of the Taipei Economic and Cultural Office in San Francisco, California.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 667 to Assembly Bill No. 383.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 718.

SUMMARY—~~[Revises provisions]~~ **Makes various changes** relating to ~~[notaries public and document preparation services.]~~ **public affairs.** (BDR 19-445)

AN ACT relating to public affairs; making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; **revising provisions relating to the authentication by the Secretary of State of certain information contained on notarized documents;** revising the definition of “document preparation service” to exclude certain nonprofit organizations ~~[, commercial resident agents]~~ and collection agencies; making various changes relating to the regulation of document preparation services; **authorizing the Secretary of State to adopt regulations prescribing procedures to prevent the filing of certain documents in his or her office; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits persons with certain criminal convictions from becoming notaries public and provides for the revocation of the appointment of notaries public who are convicted of certain crimes. (NRS 240.010, 240.150) **Sections 1 and 6** of this bill clarify that those convictions include a conviction that follows a plea of nolo contendere or no contest. **Section 1** also prohibits the Secretary of State from appointing as a notary public a person whose previous appointment as a notary public in this State or another state has been revoked for cause.

Existing law prohibits a person who has not been appointed as a notary public from representing himself or herself as a notary public. (NRS 240.010) **Section 1** expands this prohibition to include those persons whose appointment has expired or been suspended or revoked, and provides a civil penalty for such a violation.

Existing law requires that applicants for appointment as notaries public complete 4 hours of instruction relating to the functions and duties of notaries public. (NRS 240.018) **Section 3** of this bill shortens the course to 3 hours and

requires an examination. **Section 3** also requires a person renewing his or her appointment as a notary public to retake the course, and allows the Secretary of State to require a notary public who has violated any provision of chapter 240 of NRS to retake the course. Additionally, **section 3** authorizes the Secretary of State to use an outside vendor to administer the course and examination. **Section 6.5** of this bill makes similar conforming changes to the course and examination requirements for an electronic notary public.

Existing law requires the Secretary of State to issue, upon request and the payment of certain fees, an authentication to verify that: (1) the signature of a notarial officer on a document is valid; and (2) the notarial officer holds the office indicated on the document. (NRS 240.1657) Section 6.3 of this bill requires a request for authentication to include a statement signed under penalty of perjury that the document will not be used to: (1) harass a person; or (2) accomplish any fraudulent, criminal or other unlawful purpose. Section 6.3 also prohibits bringing a civil action against the Secretary of State on the basis that: (1) the Secretary of State has issued an authentication; and (2) the document has been used to harass a person or accomplish any fraudulent, criminal or other unlawful purpose. Additionally, section 6.3 provides that a person who uses a document for which an authentication has been issued for such unlawful purposes is guilty of a category C felony.

Existing law prohibits certain actions by notaries public. (NRS 240.075) **Section 4** of this bill prohibits a notary public from affixing his or her stamp to any document which does not contain a notarial certificate.

Existing law prohibits the use of the Spanish term “notario” or “notario publico” in any signage or advertisement by a notary public who is not also an attorney licensed to practice law in this State. (NRS 240.085) **Section 5** of this bill extends this prohibition to the employers of notaries public, and requires the imposition of a civil penalty for violating such a prohibition.

Existing law requires that a person who wishes to register as a documentation preparation service must be a citizen or legal resident of the United States. (NRS 240A.100) **Section 9** of this bill allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register as a documentation preparation service. **Section 9** also provides that an application for registration that is not completed within 6 months must be denied. Finally, **section 9** prohibits the Secretary of State from registering as a document preparation service any person whose previous registration as a document preparation service in this State or another state has been revoked for cause.

Existing law exempts certain persons from registering as a documentation preparation service. (NRS 240A.030) **Section 8** of this bill clarifies which nonprofit organizations ~~and commercial registered agents~~ are not required to register and adds collection agencies to the list of such persons.

Existing law requires that a document prepared by a documentation preparation service must include the name, address, phone number and

registration number of the document preparation service. (NRS 240A.200) **Section 11** of this bill deletes this requirement but requires a document preparation service to provide this information on any document on which the information is requested.

Section 7 of this bill specifically authorizes the Secretary of State to inspect the documents required to be maintained by document preparation services to ensure compliance with the law.

Existing law authorizes the Secretary of State to adopt regulations prescribing procedures to prevent the filing of false or forged documents in his or her office. (NRS 225.083) Section 11.5 of this bill authorizes the Secretary of State also to adopt regulations prescribing procedures to prevent the filing of documents in his or her office that: (1) are fraudulent; (2) contain a false statement of material fact; or (3) are filed for the purpose of harassing or defrauding a person.

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

Section 1. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State *or another state* has been revoked ~~for~~ *for cause*.

(c) Who, except as otherwise provided in subsection 3, has been convicted of ~~felony~~ , *or entered a plea of guilty, guilty but mentally ill or nolo contendere to:*

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

↪ if the Secretary of State is aware of such a conviction *or plea* before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of , *or entered a plea of guilty, guilty but mentally ill or nolo contendere to*, a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted **or entered a plea** is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter ~~1-1~~, **or if his or her appointment is expired, revoked or suspended or is otherwise not in good standing.**

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

6. **Any person who violates a provision of paragraph (a) of subsection 5 is liable for a civil penalty of not more than \$2,000 for each violation, plus reasonable attorney's fees and costs.**

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5 ~~1-1~~ **and recover any penalties, attorney's fees and costs.**

Sec. 2. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his or her appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his or her civil rights.

(e) Have completed a course of study pursuant to NRS 240.018.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his or her appointment, the person shall, within 90 days after his or her lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that the person is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, the person's appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada that is licensed pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

➔ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend the person's appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his or her term of appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

Sec. 3. NRS 240.018 is hereby amended to read as follows:

240.018 1. The Secretary of State may:

(a) Provide courses of study for the mandatory training of notaries public. Such courses of study ~~must~~:

(1) Must include at least ~~four~~ **3** hours of instruction **and an examination** relating to the functions and duties of notaries public ~~;~~ **and**

(2) May be conducted in person or online by the Secretary of State or a vendor approved by the Secretary of State.

(b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his or her appointment as a notary public ~~. If the appointment has expired for a period greater than 1 year.~~

(c) A person ~~renewing his or her appointment as a notary public, if during the immediately preceding 4 years the person has been fined for failing to comply with a statute or regulation of this State relating to notaries public.~~

➔ ~~A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if the person is in compliance with all of the statutes and regulations of this State relating to notaries public.~~ **who has committed a violation of this chapter or whose appointment as a notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.**

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does

not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:

(a) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

(b) For any other purpose authorized by the Legislature.

5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

11. *Affix his or her stamp to any document which does not contain a notarial certificate.*

Sec. 5. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears.

The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term “notario,” “notario publico” or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.

(b) Revoke the appointment of the notary public for a third or subsequent offense.

(c) Assess a civil penalty of not more than \$2,000 for each violation.

4. A notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than \$2,000.

5. An employer of a notary public shall not:

(a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or

(b) Advertise using the term “notario,” “notario publico” or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of ~~the~~ a notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than \$2,000 for each violation.

7. The employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than \$2,000.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than \$2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that a notary public has been convicted of , ***or entered a plea of guilty, guilty but mentally ill or nolo contendere to***, a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than \$2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension;

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State; and

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 6.3. NRS 240.1657 is hereby amended to read as follows:

240.1657 1. Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication to verify that the signature of the notarial officer on a document is genuine and that the notarial officer holds the office indicated on the document. If the document:

(a) Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.

(b) Is intended for use in the United States or in a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

(a) The document has not been notarized in accordance with the provisions of this chapter; ~~for~~

(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose ~~for~~; or

(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

3. No civil action may be brought against the Secretary of State on the basis that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose,

↪ is guilty of a category C 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 5 years, and may be further punished by a fine of not more than \$5,000.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.5. NRS 240.195 is hereby amended to read as follows:

240.195 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:

(a) Complete a course of study that is in accordance with the requirements of subsection 5; and

(b) Pass an examination at the completion of the course.

2. The following persons ~~must~~ **are required to enroll in and** successfully complete a course of study as required pursuant to subsection 1:

(a) A person applying for his or her first appointment as an electronic notary public;

(b) A person renewing his or her appointment as an electronic notary public ; ~~if the appointment as an electronic notary public has been expired for a period of more than 1 year;~~ and

(c) A person ~~renewing his or her appointment as an electronic notary public if, during the 4 years immediately preceding the application for renewal, the Secretary of State took action against the person pursuant to NRS 240.150 for failing to comply with any provision of this chapter or any regulations adopted pursuant thereto.~~

~~→ A person renewing his or her appointment as an electronic notary public need not successfully complete a course of study as required pursuant to subsection 1 if the appointment as an electronic notary public has been expired for a period of 1 year or less.~~ **who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.**

3. A course of study required to be completed pursuant to subsection 1 must:

- (a) Include at least 3 hours of instruction;
- (b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;
- (c) Include an examination of the course content;
- (d) Comply with the regulations adopted pursuant to NRS 240.206; and
- (e) Be approved by the Secretary of State.

4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:

- (a) Provide such a course of study; and
- (b) Charge a reasonable fee to each person who enrolls in such a course of study.

5. A course of study provided pursuant to this section ~~must~~ :

(a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.

(b) May be provided in person or online by the Secretary of State or a vendor approved by the Secretary of State.

6. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 7. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of a registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.

Sec. 8. NRS 240A.030 is hereby amended to read as follows:

240A.030 1. “Document preparation service” means a person who:

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

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

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

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

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

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

2. The term does not include:

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

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

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

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

(e) A nonprofit organization **formed pursuant to title 7 of NRS** which ~~qualifies as~~ **the Secretary of the Treasury has determined is** a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

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

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

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

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

(j) A commercial wedding chapel.

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

(l) A commercial registered agent ~~while carrying out his or her duties as a commercial registered agent pursuant to chapter 77 of NRS or acting within the scope of those duties.~~

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

3. As used in this section:

(a) “Commercial registered agent” has the meaning ascribed to it in NRS 77.040.

(b) “Commercial wedding chapel” means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 9. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States **or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services ~~of the Department of Homeland Security.~~** and **be** at least 18 years of age.

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

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

(b) Whose registration as a document preparation service **in this State or another state** has previously been revoked ~~by the Secretary of State;~~ **for cause;**

(c) Who has previously been convicted of , **or entered a plea of guilty, guilty but mentally ill or nolo contendere to**, a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

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

(1) Convicted of , **or entered a plea of guilty, guilty but mentally ill or nolo contendere to**, a crime involving theft, fraud or dishonesty;

(2) Convicted of , **or entered a plea of guilty, guilty but mentally ill or nolo contendere to**, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

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

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

Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

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

5. *An application for registration as a document preparation service that is not completed within 6 months after the date on which the application was submitted must be denied.*

Sec. 10. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. *The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.*

3. The Secretary of State may:

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

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~{3.}~~ **4.** After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 11. NRS 240A.200 is hereby amended to read as follows:

240A.200 ~~{Any} If a document prepared for a client by a registrant {must include, below any required signature of the client,}~~ **includes a place on the document for the registrant to provide information, including, without limitation, the name, business address, and telephone number and registration number of the registrant {,}, the registrant shall include the requested information on the document.**

Sec. 11.5. **NRS 225.083 is hereby amended to read as follows:**

225.083 1. The Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.

Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office is guilty of a category C 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 5 years and may be further punished by a fine of not more than \$10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing ~~[of false or forged documents]~~ in his or her office ~~to~~ of:

(a) False, fraudulent or forged documents.

(b) Documents that contain a false statement of material fact.

(c) Documents that are filed for the purpose of harassing or defrauding a person.

Sec. 12. 1. The provisions of NRS 240.018, as amended by section 3 of this act, do not apply to a notary public whose appointment as a notary public expires before July 1, 2015.

2. The provisions of NRS 240.195, as amended by section 6.5 of this act, do not apply to an electronic notary public whose appointment as an electronic notary public expires before July 1, 2015.

Sec. 13. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 718 to Assembly Bill No. 65.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 236.

The following Senate amendment was read:

Amendment No. 717.

AN ACT relating to state agencies; providing for the promotion of public engagement by state agencies using the Internet and Internet tools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that it is the policy of this State to promote public engagement in the activities of the State Government by adopting methods of public participation and public comment that include the use of the Internet and Internet tools. This bill encourages each state agency, to the extent

practicable and within the limits of available money, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums and social media. ~~[This bill requires that such a policy must: (1) require that any information communicated to the public using the Internet and Internet tools is written in easily understood language; (2) ensure that legal permission has been obtained for the use of any image on the Internet and Internet tools; and (3) ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency. This bill further authorizes a state agency to designate a public engagement specialist: (1) to implement the agency's policy on public engagement; (2) to the extent feasible, to provide training on public engagement to other employees of the agency; and (3) to communicate information to the public related to the activities of the state agency using the Internet and Internet tools. In addition, with respect to any proposed major change to an existing policy of a state agency, this bill requires the state agency, to the extent feasible, to hold at least one public meeting in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) and provide for public comment using the Internet and Internet tools.]~~

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is the policy of this State to strengthen and further promote broad, inclusive and meaningful engagement by the general public and interested stakeholders in the activities of the State Government by adopting methods of public participation and public comment that incorporate the use of the Internet and Internet tools. To assist in carrying out this policy,*

~~—(a) Each~~ ***each*** state agency is encouraged, to the extent practicable and within the limits of available money, to develop a policy on public engagement that incorporates the use of the Internet and Internet tools for the purpose of encouraging public participation and soliciting public comments on the activities of the state agency, including, without limitation, the development or adoption of regulations, policies and programs. The Internet tools used by the state agency may include, without limitation, electronic mail, electronic mailing lists, online forums and social media. ~~[The policy must:~~

~~—(1) Require that any information communicated by the state agency using the Internet and Internet tools is written in easily understood language;~~

~~—(2) Ensure that legal permission has been obtained by the state agency for the use of any image on the Internet and Internet tools; and~~

~~—(3) Ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency.~~

~~(b) Each state agency may designate an employee as the public engagement specialist. The public engagement specialist shall:~~

~~(1) Implement the public engagement policy of the state agency;~~

~~(2) To the extent feasible, provide training on public engagement for other employees of the state agency; and~~

~~(3) Communicate information to the public related to the activities of the state agency using the Internet and Internet tools.~~

~~(c) If a state agency intends to propose a major change to an existing policy of the state agency, the state agency shall, to the extent feasible, hold at least one public meeting in accordance with the provisions of chapter 241 of NRS in a county whose population is less than 100,000, and provide for public comment using the Internet and Internet tools.~~

~~2. The decision by a state agency whether to adopt any particular Internet tool in carrying out its policy on public engagement is at the discretion of the state agency and not subject to judicial review.~~

~~3. The provisions of this section are intended to supplement the existing laws of this State applicable to specific state agencies and the existing requirements for such state agencies to provide notice, solicit public comments and hold public hearings. This section does not limit the applicability of any such provision.~~

~~4.1~~ 2. As used in this section:

(a) "Social media" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, live chat, mobile applications, online services or Internet website profiles.

(b) "State agency" means every public agency, bureau, board, commission, department or division of the Executive Department of the State Government.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 717 to Assembly Bill No. 236.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 664.

AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving services from the family resource center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term “family resource center” as a facility within an at-risk community where families may obtain: (1) an assessment of their eligibility for social services; (2) social services; and (3) referrals to obtain social services from other service agencies or organizations. (NRS 430A.040) **Section 1** of this bill ~~revises the definition of “at-risk community” to require~~ **requires** the Director of the Department of Health and Human Services ~~to use data and demographic analyses to determine~~ **, when determining** whether a community is ~~“at-risk.” In addition, section 1 requires the Director, when making such a determination,~~ **“at-risk,”** to consider the number of families in the community who are at imminent risk of homelessness in addition to the number of families in the community who are transient. **Section 2** of this bill clarifies that a family resource center is a facility where families may obtain social services directly from the center.

Before a family resource center may obtain a grant from the Director, existing law requires the family resource center to create an action plan which must be approved by the Director. Such an action plan must be developed with input from members of the family resource center council, an organization of community members who assist and advise the family resource center. (NRS 430A.045, 430A.120, 430A.140) **Sections 3 and 4** of this bill require the family resource center also to develop the plan with input from local and state elected officials who represent the geographic area in which the family resource center is located when creating the action plan.

Existing law requires a case manager to develop a plan with each family that seeks services from a family resource center and requires that the plan specify the responsibilities the family members must fulfill to remain eligible for services. (NRS 430A.170) **Section 5** of this bill requires the case manager to collect and analyze data to monitor the performance of these responsibilities by the family members.

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

Section 1. NRS 430A.020 is hereby amended to read as follows:

430A.020 “At-risk community” means a geographic area that the Director has declared ~~to be in need of social and economic assistance and social service programs because of the number of families who reside there who:~~ **to be in need of social and economic assistance and social service programs because of the number of families who reside there who:**

1. Have low incomes;
2. Are transient ~~to be~~ **or at imminent risk of homelessness; or**
3. Have members whose ability to excel in academics, work and social situations is impaired by the educational, economic and social situation of the family as a unit.

Sec. 2. NRS 430A.040 is hereby amended to read as follows:

430A.040 “Family resource center” means a facility within an at-risk community where families may obtain:

1. An assessment of their eligibility for social services;
2. Social services ~~to be provided~~ **directly from the family resource center;** and
3. Referrals to obtain social services from other social service agencies or organizations.

Sec. 3. NRS 430A.120 is hereby amended to read as follows:

430A.120 The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter. The regulations must provide:

1. Criteria for evaluating and determining the geographic boundaries for at-risk communities.
2. A method for establishing family resource centers, which must include the option of designating existing organizations as family resource centers.
3. Criteria for evaluating and approving action plans. The criteria must provide that no action plan will be approved unless it is:
 - (a) Tailored to meet the specific needs of the community;
 - (b) Developed with input from members of the family resource center council ~~to be provided~~ **and local and state elected officials who represent the geographic area in which the family resource center is located;** and
 - (c) Feasible in relation to the resources available to the family resource center to which the action plan applies.
4. Criteria for the establishment and composition of a family resource center council.

Sec. 4. NRS 430A.140 is hereby amended to read as follows:

430A.140 1. Before a family resource center may obtain a grant from the Director, the family resource center:

- (a) Must submit to the Director an action plan created by the family resource center with input from the family resource center council ~~to be provided~~ **and local and state elected officials who represent the geographic area in which the family resource center is located;** and
- (b) Must obtain approval from the Director of that action plan.
2. An action plan must be resubmitted to the Director for approval:
 - (a) On or before July 1 of each year; and
 - (b) Any time the family resource center adopts a proposed amendment to the action plan.

Sec. 5. NRS 430A.170 is hereby amended to read as follows:

430A.170 1. Each family resource center must have a case manager and may have a coordinator to handle administrative matters. If a family resource center does not employ a separate person to act as coordinator, the case manager shall also act as coordinator.

2. The Director shall provide training for all case managers on how to assess the needs of families using the family resource center.

3. The case manager shall, for each family that seeks services from the center ~~to develop~~ **:**

(a) Develop a plan with the family which specifies:

- ~~(a)~~ **(1)** The services for which the family is eligible;

~~{{b}}~~ (2) Whether the family will receive services from the family resource center or a social service agency, or both;

~~{{c}}~~ (3) The responsibilities the family members must fulfill to remain eligible for the services; and

~~{{d}}~~ (4) The manner in which the performance of responsibilities by the agency and the family members will be monitored ~~{{}}~~; and

(b) Collect and analyze data to monitor the performance by the family members of the responsibilities prescribed in the plan.

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 664 to Assembly Bill No. 156.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 200.

The following Senate amendment was read:

Amendment No. 665.

AN ACT relating to persons with disabilities; making certain voting members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities nonvoting members; requiring the Subcommittee to make certain recommendations; revising provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of nine voting members appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. One member of the Subcommittee is required to be an employee of the Division, and another member is required to be the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, another representative of the telecommunications industry. (NRS 427A.750) **Section 1** of this bill makes these two members nonvoting members.

The Aging and Disability Services Division is required to develop and administer a program to provide devices for telecommunication to persons with impaired speech or hearing and to fund centers for persons who are deaf or hard of hearing operated by this State. (NRS 427A.797) **Section 2 of this bill requires the program to make interpreters available, when possible, to assist the departments of State Government in providing access to persons who are deaf or hard of hearing.** Section 2 **also** requires that this

program include the provision of other assistive technology and the provision of certain services by such centers, including, without limitation: (1) facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing; (2) assisting persons with impaired speech or hearing in accessing assistive devices; (3) expanding service capacity for devices for telecommunication and other assistive technology in areas where there is a need and services are not available; (4) providing instruction in language acquisition; **and** (5) providing programs designed to increase access to education, employment and health and social services. ~~It and (6) providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of the State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.~~ **Section 2** also removes the requirement in existing law that the Public Utilities Commission of Nevada approve the program.

Existing law requires that funding be provided for the program, the centers and certain administrative costs from the surcharge imposed on each telephone and wireless telephone line of each customer in this State. The amount of the surcharge is established by the Public Utilities Commission. (NRS 427A.797) **Section 2** limits the amount of the surcharge to not more than eight cents per month. **Section 1** requires the Subcommittee to make recommendations concerning the programs and activities funded by the surcharge.

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

Section 1. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created. The Subcommittee consists of nine members appointed by the Administrator. The Administrator shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Subcommittee:

(a) One **nonvoting** member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech-impaired;

(d) ~~{The}~~ **One nonvoting member who is the** Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, ~~a member~~ **member** who represents the telecommunications industry;

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Administrator shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Subcommittee shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its **voting** members; and

(b) Meet at the call of the Administrator, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of its **voting** members as is necessary to carry out its responsibilities.

5. A majority of the **voting** members of the Subcommittee constitutes a quorum for the transaction of business, and a majority of the **voting** members of a quorum present at any meeting is sufficient for any official action taken by the Subcommittee.

6. Members of the Subcommittee serve without compensation, except that each member is entitled, while engaged in the business of the Subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Subcommittee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Subcommittee and perform any work necessary to carry out the duties of the Subcommittee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Subcommittee to make up the time he or she is absent from work to carry out his or her duties as a member of the Subcommittee or use annual vacation or compensatory time for the absence.

8. The Subcommittee may:

(a) Make recommendations to the Nevada Commission on Services for Persons with Disabilities concerning the establishment and operation of

programs for persons with communications disabilities which affect their ability to communicate.

(b) Recommend to the Nevada Commission on Services for Persons with Disabilities any proposed legislation concerning persons with communications disabilities which affect their ability to communicate.

(c) Collect information concerning persons with communications disabilities which affect their ability to communicate.

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Subcommittee must solicit input from various persons, including, without limitation, persons with communications disabilities.

(e) Review the goals, programs and services of the Division for persons with communications disabilities and advise the Division regarding such goals, programs and services, including, without limitation, the outcomes of services provided to persons with communications disabilities and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

9. The Subcommittee shall make recommendations to ~~the~~ :

(a) The Nevada Commission on Services for Persons with Disabilities concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) The Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

10. As used in this section:

(a) “Nevada Commission on Services for Persons with Disabilities” means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

(b) “Practice of interpreting” has the meaning ascribed to it in NRS 656A.060.

(c) “Practice of realtime captioning” has the meaning ascribed to it in NRS 656A.062.

(d) “Telecommunications relay services” has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 2. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for

telecommunication **or other assistive technology** capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; ~~and~~

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, **or other means** with other persons through a dual-party relay system ~~;~~
~~→ The program must be approved by the Public Utilities Commission of Nevada.~~ **or other assistive technology** ~~;~~ **and**

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; **and**

(e) Providing programs designed to increase access to education, employment and health and social services. ~~;~~ **and**

~~—(f) Providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.~~

3. A surcharge **of not more than 8 cents per month** is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State. ~~[which is sufficient]~~ **The surcharge must be used to:**

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing ~~operated by this State;~~ **established pursuant to subsection 2;** and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

↪ The **Public Utilities Commission of Nevada** shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

~~§ 3.~~ **4.** The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection ~~§ 2~~ **3** must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication ~~§ 1~~ **and other assistive technology**, including the distribution of **such** devices **and technology** to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the **Public Utilities Commission of Nevada** the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices ~~§ 1~~ **for telecommunication and other assistive technology**;

(f) To fund the centers for persons who are deaf or hard of hearing ~~operated by this State;~~ **established pursuant to subsection 2**; and

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

~~§ 4.~~ **5.** For the purposes of this section:

(a) “Device for telecommunication” means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) “Dual-party relay system” means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 665 to Assembly Bill No. 200.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 684.

AN ACT relating to wills; providing that a will which is delivered or presented to the clerk of a district court becomes part of the permanent record maintained by the clerk; providing that such wills become ~~(public)~~ **court** records open to inspection unless sealed pursuant to certain provisions of the Nevada Supreme Court Rules; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, certain persons in possession of a will to deliver or present the will to the clerk of the district court having jurisdiction over the case. (NRS 136.050) This bill provides that a will which is delivered or presented to the clerk of a court becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed. This bill also provides that a will which is part of the permanent record maintained by the clerk of a court becomes a ~~(public)~~ **court** record open to inspection unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.

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

Section 1. NRS 136.050 is hereby amended to read as follows:

136.050 1. Any person having possession of a will shall, within 30 days after knowledge of the death of the person who executed the will, deliver it to the clerk of the district court which has jurisdiction of the case or to the personal representative named in the will.

2. Any person named as personal representative in a will shall, within 30 days after the death of the testator, or within 30 days after knowledge of being named, present the will, if in possession of it, to the clerk of the court.

3. Every person who neglects to perform any of the duties required in subsections 1 and 2 without reasonable cause is liable to every person interested in the will for the damages the interested person may sustain by reason of the neglect.

4. A will that is delivered or presented pursuant to subsection 1 or 2 becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed.

5. A will that is part of the permanent record maintained by the clerk of the court becomes a ~~(public)~~ **court record open to inspection ~~in accordance~~**

~~with NRS 239.010~~ *unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.*

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, **136.050**, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085,

637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 684 to Assembly Bill No. 97.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 669.

AN ACT relating to courts; revising provisions concerning the locations in which justice courts and municipal courts must be held; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires justice courts to be held in their respective townships, precincts or cities, and municipal courts in their respective cities. (NRS 1.050) This bill provides that justice courts and municipal courts may also be held in various other locations under certain circumstances.

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

Section 1. NRS 1.050 is hereby amended to read as follows:

1.050 1. Except as otherwise provided in NRS 3.100, the District Court in and for Carson City shall sit at Carson City.

2. Except as provided in subsection ~~4~~ 5 or NRS 3.100, every other court of justice, except justice or municipal court, shall sit at the county seat of the county in which it is held.

3. Justice courts ~~shall~~ **must** be held in their respective townships, precincts or cities, ~~and municipal courts in their respective cities.~~ **except that a justice court may also be held:**

(a) In a court or other facility used by any other justice court located within the same county, with the consent of the justice of the peace who presides over that court or other facility.

(b) With the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.

~~*(c) At any other place located within the same county, with the consent of the parties to an action or proceeding pending before the court and the approval of the court.*~~

4. *Municipal courts must be held in their respective cities, except that a municipal court may also be held, with the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.*

5. The parties to an action in ~~a district~~ **any** court may stipulate, with the approval of the court, that the action may be tried, or any proceeding related

to the action may be had, before that court at any other place in this State where ~~in a district~~ court is regularly held.

Sec. 2. NRS 4.360 is hereby amended to read as follows:

4.360 The courts held by justices of the peace are denominated justice courts. ~~They shall~~ **Justice courts** have no terms ~~[-but shall]~~ **and must** always be open. ~~Justice~~ **Except as otherwise provided in ~~(subsection)~~ subsections 3 and 5 of NRS 1.050, justice** courts ~~shall~~ **must** be held in their respective townships.

Sec. 3. NRS 5.010 is hereby amended to read as follows:

5.010 There must be in each city a municipal court presided over by a municipal judge. The municipal court:

1. ~~Must~~ **Except as otherwise provided in ~~(subsection)~~ subsections 4 and 5 of NRS 1.050, must** be held at such place in the city within which it is established as the governing body of that city may by ordinance direct.

2. May by ordinance be designated as a court of record.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 669 to Assembly Bill No. 160.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 727.

AN ACT relating to the Department of Corrections; requiring certain provisions to be included in contracts entered into between the Director of the Department of Corrections and public or private entities to provide certain services to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections, after consulting with the Division of Parole and Probation of the Department of Public Safety, to enter into one or more contracts with one or more public or private entities to provide certain services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community. (NRS 209.4889) This bill **removes the requirement that the Director consult with the Division before entering into such a contract and instead authorizes the Director to consult with the Division before entering into such a contract. This bill also** requires such ~~contracts~~ **a contract** to contain certain provisions concerning: (1) services that the entity will provide; (2) ~~offenders and~~ parolees **who have completed or are currently** participating in ~~such~~ **a program of** services **provided by the entity**; (3) assessments of the risk levels **and needs** of offenders and parolees; and (4) annual meetings between the Director, a representative of the Division, and entities which have entered

into a contract with the Director to provide such services to offenders and parolees.

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

Section 1. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. The Director may ~~[-, after consulting with the Division,]~~ enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

- (a) Transitional housing;
- (b) Treatment pertaining to substance abuse or mental health;
- (c) Training in life skills;
- (d) Vocational rehabilitation and job skills training; and
- (e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. **The Director may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.**

3. The Director shall, as necessary and appropriate, provide referrals and information regarding:

- (a) Any of the services provided pursuant to subsection 1;
- (b) Access and availability of any appropriate self-help groups;
- (c) Social services for families and children; and
- (d) Permanent housing.

~~[-]~~ 4. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

~~[-]~~ 5. **A contract entered into between the Director and a public or private entity pursuant to subsection 1 must require the entity to:**

(a) **Provide a budget concerning ~~any~~ all services the entity will provide during the duration of any grant received.**

(b) **Provide all services required by any grant received.**

(c) **Provide to the Department for its approval a curriculum for any program of services the entity will provide.**

(d) **Provide to the Division ~~the number of offenders or parolees to whom any grant received will enable the entity to provide services and, once services are provided,~~ , if appropriate, a list of the ~~offenders or~~ parolees who have completed or are currently participating in ~~such services,~~ a program of services provided by the entity pursuant to any grant received.**

(e) **Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division ~~or~~ or the Department, as appropriate.**

(f) To the extent financially practicable ~~for~~ and necessary, assess the risk levels and needs of offenders and parolees by using ~~the most effective data system available to assess such risk levels,~~ a validated assessment tool.

(g) Share with the Director information concerning assessments of the risk levels and needs of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

(h) ~~Meet~~ While the entity is providing services pursuant to the contract, meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

~~5.1~~ 6. As used in this section, “training in life skills” includes, without limitation, training in the areas of:

- (a) Parenting;
- (b) Improving human relationships;
- (c) Preventing domestic violence;
- (d) Maintaining emotional and physical health;
- (e) Preventing abuse of alcohol and drugs;
- (f) Preparing for and obtaining employment; and
- (g) Budgeting, consumerism and personal finances.

Sec. 2. The amendatory provisions of this act apply to a contract entered into between the Director of the Department of Corrections and a public or private entity pursuant to NRS 209.4889, as amended by section 1 of this act, after October 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 727 to Assembly Bill No. 225.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 734.

AN ACT relating to crimes; providing an enhanced penalty for committing certain repeat offenses of placing graffiti on or otherwise defacing certain property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a person who unlawfully places graffiti on or otherwise defaces the public or private property of another without the permission of the owner is guilty of a misdemeanor, gross misdemeanor or

felony, depending on the value of the loss of the property. (NRS 206.330) This bill provides that if a person has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation, regardless of the value of the loss, the person is guilty of a category ~~E~~ D felony.

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

Section 1. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than \$250, is guilty of a misdemeanor.

(b) Where the value of the loss is \$250 or more but less than \$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category D felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

2. *Unless a greater penalty is provided by a specific statute, a person who has previously been convicted of a violation of subsection 1:*

(a) *Two or more times; or*

(b) *That was punished as a felony,*

↪ and who violates subsection 1, regardless of the value of the loss, is guilty of a category ~~E~~ D felony and shall be punished as provided in NRS 193.130.

~~{2-}~~ **3.** If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is \$500 or more.

~~{3-}~~ **4.** A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than \$400 but not more than \$1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than \$750 but not more than \$1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense:

(1) Pay a fine of \$1,000; and

(2) Perform up to 300 hours of community service for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.

➤ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

~~4-1~~ 5. The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.

~~5-1~~ 6. The parent or legal guardian of a person under 18 years of age who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

~~6-1~~ 7. If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

~~7-1~~ 8. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

~~8-1~~ 9. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to this section or another statute for the same conduct.

~~9-1~~ 10. As used in this section:

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Protected site" means:

(1) Any site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) Any site, building, structure, object or district listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(3) Any site, building, structure, object or district listed in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places;

(4) Any site, building, structure, object or district that is more than 50 years old and is located in a municipal or state park;

(5) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

(6) Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 734 to Assembly Bill No. 244.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 287.

The following Senate amendment was read:

Amendment No. 710.

AN ACT relating to crimes; prohibiting a person from making or causing to be made certain nonemergency telephone calls under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made any telephonic access to a system established to provide a telephone number to be used in an emergency if no actual or perceived emergency exists. (NRS 207.245) This bill similarly makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. This bill also makes it a category E felony for a person to commit either offense if the person intended to initiate an emergency response and the emergency response initiated by that person results in the death or serious bodily injury of another. This bill further provides that a person who is convicted of a category E felony for such an

offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, this bill provides that ~~it is an affirmative defense to a violation~~ **if a defendant who is** charged ~~pursuant to~~ **with a violation of** the provisions of this bill ~~if it is proven by a preponderance of the evidence that the defendant~~ suffers from a mental illness or is intellectually disabled. ~~It~~ **, the court may, if appropriate, assign the defendant to a program for the treatment of mental illness or intellectual disabilities.**

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

Section 1. NRS 207.245 is hereby amended to read as follows:

207.245 1. ~~As used in this section, “system” means a system established to provide a telephone number to be used in an emergency.~~

~~2.~~ It is unlawful for any person knowingly or willfully to make or cause to be made ~~any~~ :

(a) Any telephonic access to a system ; or

(b) A nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity,

↪ if no actual or perceived emergency exists.

~~3. Any~~

2. Except as otherwise provided in subsection 3, a person who violates any provision of this section is guilty of a gross misdemeanor.

3. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130 if:

(a) The person intended to initiate an emergency response by law enforcement, firefighting, emergency medical care or public safety personnel when no actual emergency exists; and

(b) The emergency response initiated by the person results in the death or serious bodily injury of another.

4. A person who is convicted of a category E felony pursuant to subsection 3 is liable for any costs incurred by any governmental entity as a result of his or her conduct.

5. ~~It is an affirmative defense to a violation charged pursuant to this section if it is proven by a preponderance of the evidence that the~~ **If a defendant who is charged with a violation of this section suffers from a mental illness or is intellectually disabled ~~It~~, the court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to a program ~~of treatment~~ established pursuant to NRS 176A.250.**

6. As used in this section:

(a) “Emergency” means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage, or any other situation which is likely to cause a governmental entity to provide services related to law enforcement, firefighting, emergency medical care or public safety.

(b) “Governmental entity” means an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision.

(c) “System” means a system established to provide a telephone number to be used in an emergency.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 710 to Assembly Bill No. 287.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

Assemblyman Wheeler requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, Private First Class Alejandro Ray Varela of Fernley, Nevada, was born on January 29, 1988, in Roseville, California, and was killed in action on May 19, 2007, while he was fighting for our country in Baghdad, Iraq; and

WHEREAS, Known endearingly by his friends and family as Alex, he grew up in Fernley, Nevada, where he lived with his father, Roger Varela, attending Cottonwood Elementary School and graduated from Fernley High School; and

WHEREAS, With the goal of becoming an agent for the United States Drug Enforcement Administration, he enlisted in the U.S. Army in 2006, and went to Basic Training at Fort Benning, Georgia; and

WHEREAS, After graduating from Basic Training on August 11, 2006, Private First Class Varela was assigned to the 1st Cavalry Division at Fort Hood, Texas, where he was only stationed for a short time before being deployed overseas; and

WHEREAS, He deployed to Iraq via Germany at the end of October 2006, where he had different roles such as driving a Humvee, being a gunner, and finally driving a Bradley Fighting Vehicle; and

WHEREAS, During a mission to rescue five American soldiers who had escaped from the enemy, Private First Class Varela perished in Baghdad along with Staff Sergeant Christopher Moore, Sergeant Jean P. Medlin, Specialist David W. Behrle, Specialist Joseph A. Gilmore, and Private First Class Travis F. Haslip, from wounds sustained when an improvised explosive device detonated sending their Bradley Fighting Vehicle 50 feet into the air; and

WHEREAS, He died at the young age of 19 years and had less than a month left before finishing his tour, when he would have returned to Fort Irwin in California instead of Fort Hood, Texas, in order to be closer to his father; and

WHEREAS, Private First Class Alejandro Ray Varela was a well-liked young man who enjoyed playing paintball with his friends, trapshooting, and riding his quad in the Nevada desert, and he is greatly missed by everyone whose lives he touched; now, therefore, be it

PROCLAIMED, That the Nevada Legislature is indebted and honored not only by Private First Class Varela’s service to his country, but also by the efforts of his father, Roger Varela, in fostering the legislation leading to the Nevada Gold Star license plate, the creation of the Gold Star Families of Nevada National, and the establishment of a memorial honoring Nevada’s fallen soldiers on the Capitol Complex in Carson City; and be it further

PROCLAIMED, That the Nevada Legislature is profoundly grateful for the ultimate sacrifice that Private First Class Alejandro Ray Varela and his fellow fallen soldiers have given in defending our freedom, a sacrifice that will never be forgotten.

DATED this 27th day of March, 2015.

John C. Ellison
Nevada State Assemblyman

James A. Settelmeyer
Nevada State Senator

Jim Wheeler
Nevada State Assemblyman

Assemblyman O’Neill requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, The inaugural edition of Nevada’s capital city newspaper, the Carson Daily Appeal, was published on May 16, 1865, in Carson City; and

WHEREAS, The creation of the capital city newspaper by E. F. McElwain, J. Barrett, and Marshall Robinson came into existence just a little over six months after Nevada became a state and predates the completion of the Capitol Building by six years; and

WHEREAS, The first edition debuted with a letter by the publisher acknowledging the short-lived career of several previous capital newspapers that made the citizens skeptical of its longevity, but adding confidence “that the Appeal will be enlarged, just as speedily, as the patronage it receives will justify”; and

WHEREAS, The newly hired editor, Henry Rust Mighels, had successfully operated the Marysville Appeal newspaper in Marysville, California, which became the namesake of the newly created capital newspaper in honor of his success; and

WHEREAS, The first edition was printed using the mechanics of the time, which was the use of hand set type and letterpress printing; the paper was produced in this fashion until 1961 when offset printing was incorporated; and

WHEREAS, In the young capital town of about 1,200 residents, the newspaper boasted a distribution of 200 subscribers within the city who could receive the newspaper delivered by carriers for 50 cents per week, with a one year subscription delivered by mail or express for \$16; and

WHEREAS, The capital city newspaper was published under six names since its beginning, Carson Daily Appeal (1865), Daily State Register (1870), New Daily Appeal (1872), Daily Appeal (1873), Morning Appeal (1877), becoming the Nevada Appeal as it appears today in 1947; and

WHEREAS, On this date in 1865, the Carson Daily Appeal described the capital city “as near Paradise as you will find this side the Sierra Nevadas”; experiencing a charming, fragrant spring with the Carson River overflowing its banks; building new homes; and planting shade trees to beautify the town; and

WHEREAS, During its existence, the newspaper operated in at least five different locations; continues to report news of local, national, and international interest; and is considered one of the records documenting the history of the State; now, therefore, be it

PROCLAIMED, That the Nevada Appeal is acknowledged as the longest continually running newspaper in the State and longest continually operating business in the State’s capital of Carson City; and be it further

PROCLAIMED, That the Nevada Appeal is recognized for its commitment to the citizens and business owners of the capital city for 150 years and congratulated for celebrating its sesquicentennial anniversary as it advances toward the next milestone.

DATED this 16th day of May, 2015.

Philip “PK” O’Neill
Nevada State Assemblyman

Ben Kieckhefer
Nevada State Senator

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to George Johnson, Carol Johnson, Judy Black, Chuck Allen, and Ken Furlong.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Tully and Phillip Bradley Williams.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Raymond and the following students, chaperones, and teachers from Fremont Elementary School: Schuyler Anaya, James Adams, Robert Arroyo Segura, Lourdes Cervantes-Mejia, Aubrie Chan, Schuyler Clark, Sam Chenin, Tryton Cox, Morgan Currier, Andrea Garza, Robert Henn, Telena Higuera, Kaden Lopez, Denzel Llamas-Aranda, Makenna Malone, Evelyn Manzano-Curiel, Calie Medeiros, Bryan Martinez-Castaneda, Caydance Miguel, Jacob Mathison, Makenna Miles, Simon Noell, Andrea Munoz, Madison Norris, Alex Myrehn, Gilberto Ortiz-Monroy, Josh Nichols, Izabel Rivera, Angie Portillo Lopez, Dyana Sanchez, Blair Rankin, Julio Soriano, Seren Rojas, Kana Teruya, Gabby Sarabia, Esa Tewanema, Devin Schneider, Ckayden Batesel, Heaven Silvers, Alexander Pattison, Micheala Stinson, Alex Pacheco, Evan Watson, Alexis Chester, Brenna Argust, Jovany Arroyo, Aiden Blandford, Jakson Perry, Nicholas Felix, Austin Garcia, Elsa Harrison, Madison Healy, Rebecca Hughey, Steven Hyatt, Aryana Jones, Elle Liebendorfer, Parker Maldonado, Nathan McKee, Hailey Obregon, Paulina Onesto, Kairy Orozco Ortiz, Dustin Packmore, Cole Palotas, Carolina Parra Hernandez, Emma Riley, Kylie Scanlon, Britney Schulz, and Harlie Vatella.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Varela, Tawnya Brown, and Amy Roby.

Assemblyman Hansen moved that the Assembly adjourn until Wednesday, May 20, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:36 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly