

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 26, 2015

Senate called to order at 12:57 p.m.

President Hutchison presiding.

Roll called.

All present except Senators Segerblom and Smith, who were excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Prisoners sometimes talk about "doing time." Lord, it seems like we have been here for a long time. I ask that Your presence with us and Your blessing over our work release us from feeling like captives and deliver us to complete the work that You and the people of Nevada have given us to do.

We pray in the Name of the One who promises us true freedom.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

GENERAL FILE AND THIRD READING

Senate Bill No. 69.

Bill read third time.

Remarks by Senator Kieckhefer.

Existing law requires at least a six-month retirement period after the effective date of the retirement of a justice or judge for which he or she may accept reemployment. Senate Bill No. 69 reduces the minimum required period before the acceptance of employment from 6 months to 90 days after the effective date of the retirement of the justice or judge. Currently, a justice or judge who accepts employment as a justice or judge in the Nevada court system forfeits all retirement allowances for the duration of that employment. Senate Bill No. 69 exempts a retired employee who accepts employment or an independent contract as a senior justice, senior judge, senior justice of the peace or senior municipal judge, from the disqualification of receiving retirement allowances under certain circumstances.

Additionally, Senate Bill No. 69 removes a sunset provision for a retired justice or judge who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace or senior municipal court judge is entitled to receive a retirement allowance in addition to compensation for his or her service and is entitled to receive additional service credit for actual time served if he or she is reenrolled in a retirement plan and makes the provision permanent.

Roll call on Senate Bill No. 69:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 69 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 491 requires the Department of Administration, in consultation with the Department of Education and the State Public Charter School Authority, to develop a request for proposals for a nonprofit organization incorporated in this State to recruit persons and charter management organizations to assume leadership roles in the formation and operation of high quality charter schools to serve pupils who live in poverty.

This bill also requires a nonprofit organization that responds to the request for proposals to include evidence that the nonprofit organization has sufficient money to match a grant of up to \$5 million per year for Fiscal Years 2015-2016 and 2016-2017.

Senate Bill No. 491 requires the Department of Administration to appoint a committee, including one representative from the Department of Education and one representative from the State Public Charter School Authority, to evaluate the responses to the request for proposals and recommend an applicant to the State Board of Examiners, who shall make the final decision on whether to award a grant of money.

Senate Bill No. 491 becomes effective on July 1, 2015, and expires by limitation on June 30, 2017.

Roll call on Senate Bill No. 491:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Spearman, Woodhouse—8.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 491 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498.

Bill read third time.

Remarks by Senator Kieckhefer.

Existing law requires a person who wishes to operate or maintain a facility for the dependent or a medical facility to obtain an annual license from the Division of Public and Behavioral Health (DPBH) of the Department of Health and Human Services and to pay an application fee for the license. Senate Bill No. 498 includes a community health-worker pool within the definition of facility for the dependent, thereby requiring community health-worker pools to obtain an annual license from the DPBH. Senate Bill No. 498 also exempts a holder of a license as a facility for the dependent or a medical facility and employs community health workers from the requirement to obtain an additional license as a community health-worker pool.

Additionally, Senate Bill No. 498 makes certain employees of a community health-worker pool immune from civil liability for rendering emergency care or assistance in good faith in the course of his or her employment and extends certain mandatory reporting requirements to community health-worker pools.

This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks, and on October 1, 2015, for all other purposes.

Roll call on Senate Bill No. 498:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 498 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 509 seeks to align *Nevada Revised Statutes* with national best practices relating to charter school laws and policies and requires the State Public Charter School Authority to adopt regulations to implement revised policies and procedures.

Additionally, Senate Bill No. 509 is intended to improve the quality and diversity of Nevada's charter schools. To implement the national best practices, Senate Bill No. 509 includes the following provisions: revises provisions related to the composition of the State Public Charter School Authority; authorizes the Authority to adopt regulations related to the application and approval to form a charter school, and to enter into agreements with school districts and higher education institutions related to charter school sponsorship; revises existing procedures related to the application to form a charter school and authorizes an application to be submitted by a nonprofit "charter management organization; revises actions that may be taken when a charter school persistently underperforms; revises the provisions regarding the revocation or termination of a charter school's charter or written contract by a sponsor, as well as provisions relating to the reconstitution of a charter school's board and the retention and/or termination of employees; and provides for the consolidation of charter schools.

Senate Bill No. 509 is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and for the application of certain provisions to a reconstituted charter school. It is effective on January 1, 2020, for purposes related to charter contracts and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 509:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 509 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Senator Settelmeyer.

Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to limit the total amount of certain property taxes that may be levied on real property to 1 percent of the base value of the property. Base value is defined, with certain exceptions, as the taxable value from which the assessed value for the Fiscal Year 2017-2018 was calculated.

The 1-percent limit on the amount of property taxes that may be levied does not apply to property taxes levied to pay the interest and principal of any bonded indebtedness or to pay any obligation under a contract made in connection with such bonded indebtedness.

The resolution provides, with certain exceptions, that the base value becomes the cash value of the property upon the transfer of at least one-half of the ownership interest in the property, an improvement to the property increases the base value by the cash value of the improvement, and the base value cannot increase or decrease from year to year by more than 3 percent.

Pursuant to Article 16, Section 1, of the *Nevada Constitution* and chapter 218D of the *Nevada Revised Statutes*, the provisions contained within this joint resolution must be approved by the Legislature during the 2015 and 2017 Sessions followed by voter approval at the 2018 General Election in order to be ratified.

Roll call on Senate Joint Resolution No. 13:

YEAS—12.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Spearman—7.

EXCUSED—Segerblom, Smith—2.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 5.

The following Assembly amendment was read.

Amendment No. 795.

SUMMARY—Revises provisions governing elections for nonpartisan offices. (BDR 24-90)

AN ACT relating to elections; revising provisions governing elections for certain judicial offices; providing that ~~the candidate~~ candidates for certain nonpartisan ~~office~~ 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 ~~candidates~~ than twice the number of candidates to be elected to a nonpartisan office : ~~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 ~~[]~~ 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]~~ is not ~~[be]~~ 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.

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 ~~or~~ 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 ~~a~~ 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 ~~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~~ ~~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 ~~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, ~~[his 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.)

Senator Farley moved that the Senate concur in Assembly Amendment No. 795 to Senate Bill No. 5.

Remarks by Senator Farley.

Amendment No. 795 makes the following 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; and 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.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 25.

The following Assembly amendment was read.

Amendment No. 654.

SUMMARY—Revises provisions relating to ~~[public schools.]~~ education. (BDR 34-316)

AN ACT relating to education; revising provisions governing the membership of the State Board of Education; revising certain duties of the Superintendent of Public Instruction, the Department of Education and the State Board; revising the membership of the Advisory Council on Parental

Involvement and Family Engagement; revising provisions governing certain products used to clean in public schools; authorizing unused allocations for special education program units to be reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that operates a licensed private school in certain circumstances; revising provisions relating to certain programs of distance education; revising provisions governing standards of content and performance for foreign and world language and any other course of study requested by the Superintendent of Public Instruction; revising provisions relating to certain hearings concerning the suspension or revocation of a license to teach; revising provisions concerning minimum standards for the maintenance and operation of certain educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is elected to serve as an officer of this State or any political subdivision thereof from also serving on the State Board of Education. Section 1 also prohibits a person who is appointed to serve for the unexpired term of such an office from continuing to serve on the State Board, with certain exceptions. Section 3 of this bill removes certain requirements regarding the use of environmentally sensitive cleaning and maintenance products in public schools and authorizes the board of trustees of a school district to use a product that is not an environmentally sensitive cleaning and maintenance product after posting a notice of the product to be used on the Internet website maintained by the school district. Sections 4, 10, 11-13, 15, 17 and 18 of this bill replace references to the terms "English" and "foreign language" with references to "English language arts" and "foreign or world language" for consistency with currently accepted terminology.

Existing law authorizes certain hospitals or other facilities that are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services and that operate a licensed private school to request reimbursement, under certain circumstances, from the Department of Education for the cost of providing educational services to a child who attends the licensed private school. (NRS 277.0655, 387.1225) Existing law also: (1) provides for the establishment of a basic support guarantee for special education program units for the purpose of allocating money from the State Distributive School Account; and (2) authorizes the Superintendent to reallocate any unused allocations for special education program units to a school district, charter school or university school for profoundly gifted pupils. (NRS 387.122, 387.1221) Section 4.5 of this bill authorizes the Superintendent to reallocate any unused allocations to a hospital or facility which is licensed by the Division of Public and Behavioral Health that operates a licensed private school.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the

school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State's financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.126) Sections 5, 6, 8 and 9 of this bill provide that the apportionment for a pupil enrolled part-time in a program of distance education is paid to the school district in which the pupil resides, or the charter school in which the pupil is enrolled. The school district or charter school, as applicable, is required to allocate a percentage of that amount to the school district or charter school that provides the program of distance education in an amount which must be set out in an agreement between them.

Section 2.5 of this bill adds a member to the Advisory Council on Parental Involvement and Family Engagement to represent the Nevada Parent Teacher Association.

Because existing law gives the Governor authority over the budgets of the Department of Education, section 7 of this bill: (1) requires the Superintendent to submit certain recommendations of the Department to the Governor instead of to the State Board; and (2) removes the requirement that the State Board consider the biennial budgets of the Department. Sections 8 and 9 remove the requirement that certain pupils obtain written permission from the board of trustees of a school district or the governing body of a charter school before enrolling in certain part-time programs of distance education.

Section 12 requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for foreign and world languages in addition to other subjects for which it is already required to do so. Section 13 requires the State Board to prescribe examinations that measure the achievement and proficiency of pupils for grades 9, 10, 11 and 12 in certain subjects to comply with federal law. (20 U.S.C. § 6311(b)(3)) Section 14 of this bill revises the manner in which the Department provides an informational pamphlet concerning end-of-course examinations and college and career readiness assessments so that the pamphlet is available electronically. Section 14.5 of this bill removes an incorrect reference to an organization.

Section 16 of this bill allows the parties in a hearing concerning the suspension or revocation of a license to teach to agree to extend the date by which the hearing must be held. Section 20 of this bill authorizes money in the Educational Trust Account to be expended as authorized by the Interim Finance Committee when the Legislature is not in session. Section 21 of this bill repeals the requirements that: (1) the State Board adopt and use an official seal in authentication of its acts; and (2) the Department approve or disapprove lists of books for use in public school libraries.

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

Section 1. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

- (a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;
- (b) One member appointed by the Governor;
- (c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and
- (d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

- (a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;
- (b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;
- (c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and
- (d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. *Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.*

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

- (a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.
- (b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

~~{6-}~~ 7. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years ~~{-}~~, *except that each member continues to serve until a successor is appointed.* A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~{7-}~~ 8. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of ~~{10}~~ 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;
 (b) Two teachers in public schools;
 (c) One administrator of a public school;
 (d) One representative of a private business or industry;
 (e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; ~~{and}~~

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000 ~~{-}~~; and

(g) *One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.*

↪ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

↪ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 3. NRS 386.4195 is hereby amended to read as follows:

386.4195 1. ~~[The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the~~

~~school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.~~

~~—2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.~~

~~—3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.~~

~~—4.] Except as otherwise provided in {subsections 6 and 7,} subsection 2,~~ each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district . ~~{in accordance with the regulations adopted pursuant to subsection 1.~~

~~—5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:~~

~~—(a) Submit a written request to the Department pursuant to subsection 6 or 7.~~

~~—(b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.~~

~~—6.] 2. If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may {submit a written request to the Department for a waiver from purchasing and using environmentally sensitive} , after posting notice of the product to be used on the Internet website maintained by the school district, purchase and use a cleaning and maintenance {products for use} product that is not an environmentally sensitive cleaning and maintenance product in the cleaning of floor surfaces for the school district as a whole or for a particular school or schools within the school district.~~

~~{7. If the board of trustees of a school district determines that an environmentally sensitive cleaning and maintenance product for use in the cleaning of floor surfaces which is not included in the sample list developed pursuant to subsection 2 is more economically feasible or is a more effective environmentally sensitive cleaning and maintenance product, the board of trustees may submit a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards prescribed pursuant to subsection 1.~~

~~—8.— If a waiver is granted by the Department pursuant to subsection 6 or 7, the waiver is effective for 1 year after the date of its approval and a renewal may be requested on an annual basis in the manner set forth in subsection 6 or 7, as applicable.~~

~~—9.]~~ 3. In addition to the environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces in the public schools within the school district required pursuant to subsection 1, the board of trustees of a school district may use environmentally sensitive cleaning products for use in the cleaning of any other surfaces.

~~[10.— The regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.~~

~~—11.]~~ 4. As used in this section, "environmentally sensitive cleaning and maintenance products" means cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.

Sec. 4. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer

education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

- (a) English [~~reading or~~] language arts;
- (b) Mathematics;
- (c) Science;
- (d) [~~Foreign~~] *A foreign or world language*;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

- (a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and
- (b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

- (a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;
- (b) A master's degree in school administration, public administration or business administration; or
- (c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the

salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 7, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 4.5. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated by the Superintendent of Public Instruction to other school districts, charter schools, ~~for~~ university schools for profoundly gifted pupils ~~[by the Superintendent of Public Instruction.] or hospitals or facilities which are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provide residential treatment to children and which operate a private school licensed pursuant to chapter 394 of NRS.~~ In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority

must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. Any unused allocation of a special education program unit that is reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health pursuant to subsection 2 must be provided as a percentage of a unit as determined based upon the number of days that such a program is provided compared to the total number of school days for the year.

4. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

~~4.~~ 5. A school district in a county whose population is less than 700,000, a charter school or a university school for profoundly gifted pupils that receives an allocation for special education program units may use not more than 15 percent of its allocation to provide early intervening services.

6. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who

are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year . ~~[, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).]~~

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year . ~~[, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).]~~

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 6. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly

gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, *if a pupil is enrolled part-time in a program of distance education and part-time in a:*

(a) *Public school other than a charter school*, an apportionment must be made to ~~to a school district or charter school that provides a program of distance education for each pupil who is enrolled part-time in the program.~~ The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided

~~during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for]~~ the school district in which the pupil resides. *The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.*

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 7. NRS 387.3035 is hereby amended to read as follows:

387.3035 The Department shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

(a) School district; and

(b) School within a school district.

➔ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 387.3037.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ Governor as the Department deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ Governor such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for ~~{consideration by the State Board and}~~ submission to the Governor.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Before a pupil may enroll full-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, ~~[the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school,]~~ the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.

2. A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides or ~~enrolls full-time in a program of distance education~~ that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

3. If the board of trustees of a school district grants permission *for a pupil to enroll full-time in a program of distance education* pursuant to subsection 1 ~~[-]~~ or if a pupil enrolls part-time in a program of distance education pursuant to subsection 2, the board of trustees of the school district in which the pupil resides shall enter into a written agreement with the board of trustees of the school district or the governing body ~~[-]~~ of the charter school, as applicable, that provides the program of distance education. *If the pupil enrolls part-time in a program of distance education, the agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.

5. *If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, the pupil may enroll full-time in a program of distance education only if the charter school in which the pupil is enrolled provides the program of distance education.

2. ~~Before a~~ A pupil who is enrolled in a charter school may enroll part-time in a program of distance education that is provided by a school district or another charter school ~~[- the pupil must]~~ and is not required to obtain the ~~written permission~~ approval of the governing body of the charter school in which the pupil is enrolled.

3. If ~~the governing body of~~ a pupil who is enrolled in a charter school ~~grants permission pursuant to subsection 2, the~~ enrolls in a part-time program of distance education that is provided by a school district or another charter school, the governing body of the charter school in which

the pupil is enrolled shall enter into a written agreement with the board of trustees of the school district or governing body [] of the charter school, as applicable, that provides the program of distance education. The agreement must include, without limitation, the amount of the apportionment provided to the charter school in which the pupil is enrolled that will be allocated pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education.

5. *If the charter school in which the pupil is enrolled and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the charter school in which the pupil is enrolled is required to allocate pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

Sec. 10. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

- (1) Governor;
- (2) Board of trustees of each school district of this State;
- (3) Legislative Committee on Education created pursuant to NRS 218E.605; and
- (4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

- (1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and
- (2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent

of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English *language arts* and mathematics established pursuant to NRS 389.520 with the standards for English *language arts* and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

- (a) Governor;
- (b) Legislative Committee on Education;
- (c) Legislative Bureau of Educational Accountability and Program Evaluation; and
- (d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 11. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English ~~[, including reading, composition and writing;]~~ *language arts*;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English ~~[;]~~ *language arts*;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

- (1) American government;
- (2) American history; and
- (3) World history or geography.

➔ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

➔ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 12. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English ~~[including reading, composition and writing];~~ *language arts;*

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; ~~and~~

(8) Physical education ~~[]~~; *and*

(9) *A foreign or world language.*

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include,

without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English *language arts* and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 13. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the Council for the subjects of English *language arts* and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) *For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(3).*

➡ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 14. NRS 389.809 is hereby amended to read as follows:

389.809 1. The Department shall develop an informational pamphlet concerning the end-of-course examinations required pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the end-of-course examinations and the importance of taking the college and career readiness assessment;

(b) Courses of study for which the end-of-course examinations are administered and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the end-of-course examinations and the college and career readiness assessment.

3. On or before September 1, the Department shall ~~provide a~~ :

(a) *Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level [-]; and*

(b) *Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.*

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 14.5. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

➡ If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, ~~[and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators,]~~ shall adopt regulations governing the approval by the State Board of courses of study and training . ~~[which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.]~~

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

Sec. 15. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

- (a) English ~~[, reading or]~~ language arts;
- (b) Mathematics;
- (c) Science;
- (d) ~~[Foreign]~~ *A foreign or world language*;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➤ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the

public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.

Sec. 16. NRS 391.323 is hereby amended to read as follows:

391.323 1. ~~Within~~ *Unless the parties agree to a later date, within* 30 days after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and

(b) Findings of fact and conclusions of law which support the recommendation.

2. The State Board may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the State Board is a final decision in a contested case.

Sec. 17. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English ~~and~~ *language arts*, mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

Sec. 18. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the

homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English ~~including reading, composition and writing,~~ *language arts*, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 19. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

(a) The quality and content of each course of instruction, training or study reasonably and adequately achieve the stated objective for which the course or program is offered.

(b) The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality.

(c) The education and experience qualifications of directors, administrators, supervisors and instructors reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.

(d) The institution provides pupils and other interested persons with a catalog or brochure containing information describing the grades or programs offered, program objectives, length of school year or program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material

facts concerning the institution as are reasonably likely to affect the decision of the parents or pupil to enroll in the institution, together with any other disclosures specified by the Superintendent or defined in the regulations of the Board, and the information is provided to parents or prospective pupils before enrollment.

(e) Upon satisfactory completion of training or instruction, the pupil is given appropriate educational credentials by the institution indicating that the course of instruction or study has been satisfactorily completed.

(f) Adequate records are maintained by the institution to show attendance, progress and performance.

(g) The institution is maintained and operated in compliance with all pertinent ordinances and laws, including regulations adopted relative to the safety and health of all persons upon the premises.

(h) The institution is financially sound and capable of fulfilling its commitments.

(i) Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair.

(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The pupil housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Department of Education, *including, without limitation, the Middle States Commission on Higher Education, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Southern Association of Colleges and Schools and the Accrediting Commission for Schools, Western Association of Schools and Colleges*, may be accepted as evidence of compliance with the minimum standards established pursuant to this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 20. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➡ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in

the Educational Trust Account may be expended only as authorized by the Legislature , *if it is in session, or by the Interim Finance Committee, if the Legislature is not in session*, for educational purposes.

Sec. 21. NRS 385.060 and 390.400 are hereby repealed.

Sec. 22. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

385.060 Seal. The Board shall adopt and use an official seal in authentication of its acts.

390.400 Approval for use in public schools; exception for charter schools; actions subject to review by State Board.

1. The Department shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the Department with respect to lists of books are subject to review and approval or disapproval by the State Board.

Senator Harris moved that the Senate concur in Assembly Amendment No. 654 to Senate Bill No. 25.

Remarks by Senator Harris.

Amendment No. 654 authorizes hospitals or other facilities licensed by the Division of Public and Behavioral Health for residential treatment of children which operate a licensed private school to receive unused allocations of special education program units in the same manner allowed for charter schools and the university school for profoundly gifted pupils. The units must be provided as a percentage of a unit based upon the number of days that a program is provided as compared to the total number of school days for the year.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 29.

The following Assembly amendment was read.

Amendment No. 740.

SUMMARY—Grants power to a board of county commissioners to ~~[perform]~~ address matters of local concern within certain ~~[acts which are not prohibited or limited by statute]~~ parameters. (BDR 20-465)

AN ACT relating to county government; authorizing a board of county commissioners to exercise ~~[(the)]~~ powers necessary or proper to address matters of local concern for the effective operation of county government; providing that such powers do not apply to certain matters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In a case from 1868 ~~[(Judge)]~~ and in later treatises on the law governing local governments, former Chief Justice John F. Dillon of the Iowa Supreme Court ~~[established]~~ developed a common-law rule ~~[of statutory]~~

~~interpretation]~~ on local governmental power known as Dillon's Rule, which defines and limits the powers of local governments. ~~[(Merriam v. Moody's Ex'rs, 25 Iowa 163 (Iowa 1868))]~~ Under Dillon's Rule, a local government is authorized to exercise only those powers which are: (1) expressly granted; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared objects and purposes of the local government ~~[-~~

~~Under]~~ and not merely convenient but indispensable. Dillon's Rule also provides that if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved against the local government and the power is denied. (Merriam v. Moody's Ex'rs, 25 Iowa 163, 170 (1868); 1 John F. Dillon, Commentaries on the Law of Municipal Corporations § 237 (5th ed. 1911))

In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied Dillon's Rule to county, city and other local governments. (Ronnow v. City of Las Vegas, 57 Nev. 332, 341-43 (1937); Hard v. Depaoli, 56 Nev. 19, 30 (1935); Lyon County v. Ross, 24 Nev. 102, 111-12 (1897); State ex rel. Rosenstock v. Swift, 11 Nev. 128, 140 (1876)) Thus, as a general rule under existing law, a board of county commissioners ~~[are]~~ is authorized to exercise only those powers which are expressly granted to the board and those powers [that] which are necessarily implied to carry out the express powers [- (] of the board. (NRS 244.195; First Nat'l Bank v. Nye County, 38 Nev. 123, 134-39 (1914); Sadler v. Board of County Comm'rs, 15 Nev. 39, 42 (1880)) ~~[This bill authorizes]~~

Sections 2-2.7, 7 and 7.5 of this bill authorize a board of county commissioners, with [limited] certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county government, [even if such a power is neither express nor implied, so long as the power is] whether or not the powers are expressly [prohibited or limited by] granted to the board, but such powers remain subject to all federal and state constitutional, [or] statutory and regulatory provisions, [granted to another entity.]

Section 2.7 defines the term "matter of local concern" as any matter that primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and that does not have a significant effect or impact on areas located in other counties. However, the term "matter of local concern" does not include any matter that is within the exclusive jurisdiction of another governmental entity or any matter that concerns: (1) a state interest that requires statewide uniformity of regulation; (2) the regulation of business activities that are subject to substantial regulation by a federal or state agency; or (3) any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

Sections 2 and 7 modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature. Section 2 also states that the provisions of this bill must not be interpreted to modify Dillon's Rule with regard to: (1) any local governing body other than a board of county commissioners; or (2) any powers other than those powers necessary or proper to address matters of local concern for the effective operation of county government.

Section 7.7 of this bill provides that during the 2015-2017 interim between regular legislative sessions, the Nevada Association of Counties shall: (1) obtain information regarding the implementation of the provisions of this bill from each board of county commissioners; and (2) compile and report the information to the next regular session of the Legislature in 2017.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~*It is expressly declared as the intent of the Legislature to grant a*~~ hereby finds and declares that:

1. Historically under Nevada law, the exercise of powers by a board of county commissioners has been governed by a common-law rule on local governmental power known as Dillon's Rule, which is named after former Chief Justice John F. Dillon of the Iowa Supreme Court who in a case from 1868 and in later treatises on the law governing local governments set forth the common-law rule defining and limiting the powers of local governments.

2. In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied Dillon's Rule to county, city and other local governments.

3. As applied to county government, Dillon's Rule provides that a board of county commissioners possesses and may exercise only the following powers and no others:

(a) Those powers granted in express terms by the Nevada Constitution or statute;

(b) Those powers necessarily or fairly implied in or incident to the powers expressly granted; and

(c) Those powers essential to the accomplishment of the declared objects and purposes of the county and not merely convenient but indispensable.

4. Dillon's Rule also provides that if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved against the board of county commissioners and the power is denied.

5. As a general rule on local governmental power, Dillon's Rule serves an important function in defining the powers of county government and remains a vital component of Nevada law. However, with regard to matters of local concern, a strict interpretation and application of Dillon's Rule

unnecessarily restricts a board of county commissioners from taking appropriate actions that are necessary or proper to address matters of local concern for the effective operation of county government and thereby impedes the board from responding to and serving the needs of local citizens diligently, decisively and effectively.

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of sections 2 to 7, inclusive, of this act:

(a) Expressly grant and delegate to the board of county commissioners ~~(the)~~ all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government ~~+~~; and

(b) Modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

7. The provisions of sections 2 to 7, inclusive, of this act must not be interpreted to modify Dillon's Rule with regard to:

(a) Any local governing body other than a board of county commissioners; or

(b) Any powers other than those powers necessary or proper to address matters of local concern for the effective operation of county government.

Sec. 2.1. As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 and 2.7 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. "County government" means any public body, agency, bureau, board, commission, department, division, office or other unit of county government, or any officer or employee thereof, within the jurisdiction of the board of county commissioners.

Sec. 2.7. 1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) Does not concern:

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

- (a) Public health, safety and welfare in the county.
- (b) Planning, zoning, development and redevelopment in the county.
- (c) Nuisances and graffiti in the county.
- (d) Outdoor assemblies in the county.
- (e) Contracts and purchasing by county government.
- (f) Operation, management and control of county jails and prisoners by county government.
- (g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:
 - (1) Roads, highways and bridges.
 - (2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

- (a) Are intended to be illustrative;
- (b) Are not intended to be exhaustive or exclusive; and
- (c) Must not be interpreted as either limiting or expanding the meaning of the term "matter of local concern" as provided in subsection 1.

~~Sec. 3. {1. The rule of law that any doubt as to the existence of a power of a board of county commissioners must be resolved against its existence is abrogated.~~

~~2. Any doubt as to the existence of the power of a board of county commissioners must be resolved in favor of its existence. This rule applies even though a statute granting the power has been repealed.} (Deleted by amendment.)~~

~~Sec. 4. {1. The rule of law that a board of county commissioners can exercise only powers:~~

- ~~(a) Expressly granted by statute;~~
- ~~(b) Necessarily or fairly implied in or incident to powers expressly granted; and~~
- ~~(c) Indispensable to the declared purposes of a board of county commissioners;~~
- ~~is abrogated.~~

~~2. A board of county commissioners has:~~

- ~~(a) All powers granted it by statute; and~~
- ~~(b) All other powers necessary or desirable in the conduct of county affairs even though not granted by statute.} (Deleted by amendment.)~~

~~Sec. 5. {A board of county commissioners may exercise any power to the extent that the power is not expressly:~~

- ~~1. Denied by the Constitution of the State of Nevada;~~
- ~~2. Denied by the Constitution of the United States;~~
- ~~3. Denied by the laws of the State of Nevada; or~~
- ~~4. Granted to another entity.} (Deleted by amendment.)~~

Sec. 6. ~~[1. If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall do so in that manner.~~

~~2. If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall adopt an ordinance prescribing a specific manner for exercising the power.] (Deleted by amendment.)~~

Sec. 7. 1. Except as prohibited, limited or preempted by the Constitution, statutes or regulations of the United States or this State and except as otherwise provided in this section, a board of county commissioners has:

(a) All powers expressly granted to the board;

(b) All powers necessarily or fairly implied in or incident to the powers expressly granted to the board; and

(c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

2. If there is a constitutional or statutory provision requiring a board of county commissioners to exercise a power set forth in subsection 1 in a specific manner, the board may exercise the power only in that specific manner, but if there is no constitutional or statutory provision requiring the board to exercise the power in a specific manner, the board may adopt an ordinance prescribing a specific manner for exercising the power.

3. Except as expressly authorized by statute, a board of county commissioners shall not:

(a) Condition or limit its civil liability unless such condition or limitation is part of a legally executed contract or agreement between the county and another governmental entity or a private person or ~~business~~ entity.

(b) Prescribe the law governing civil actions between private persons ~~and~~ or entities.

(c) Impose duties on another governmental entity unless the performance of the duties is part of a legally executed agreement between the county and another governmental entity.

(d) Impose a tax.

(e) Order or conduct an election.

~~[2.]~~ 4. Except as expressly authorized by statute or necessarily or fairly implied in or incident to powers expressly ~~granted~~ authorized by statute, a board of county commissioners shall not:

(a) Impose a service charge or user fee; or

(b) Regulate business activities that are subject to substantial regulation by a federal or state agency.

Sec. 7.5. NRS 244.195 is hereby amended to read as follows:

244.195 ~~[(The)]~~ Except as otherwise provided in sections 2 to 7, inclusive, of this act, the boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and ~~[(strictly)]~~ necessary to the full discharge of the powers and jurisdiction conferred on the board.

Sec. 7.7. 1. During the 2015-2017 interim between the 78th and 79th Sessions of the Nevada Legislature, the Nevada Association of Counties shall obtain information regarding the implementation of the provisions of this act from each board of county commissioners in this State, and each such board shall cooperate and work collaboratively with the Nevada Association of Counties to provide that information.

2. On or before February 1, 2017, the Nevada Association of Counties shall compile and report the information obtained pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 8. This act becomes effective on July 1, 2015.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 740 to Senate Bill No. 29.

Remarks by Senator Goicoechea.

The amendment replaces most of the bill and grants boards of county commissioners the powers necessary or proper to address matters of local concern, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

The amendment defines the term "matter of local concern" as any matter that primarily affects or impacts areas located in the county or persons who reside, work, visit the county and that does not have a significant effect or impact on areas located in other counties.

The amendment requires the Nevada Association of Counties to compile and report on information regarding the implementation of the provisions of this bill to the next regular Session of the Legislature in 2017.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 36.

The following Assembly amendment was read.

Amendment No. 693.

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

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

Legislative Counsel's Digest:

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

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

Section 1. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$200; and

(d) Include any other information that the Secretary of State deems necessary.

➡ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

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

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

~~{(a)}~~ (1) Is organized pursuant to this title, other than a business organized pursuant to:

~~{(1)}~~ (I) Chapter 82 or 84 of NRS; or

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

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

~~{(c)}~~ (3) Has a registered agent in this State; or

~~{(d)}~~ (4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid ~~{-}~~ ;

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in paragraph (e); and

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

~~{2-}~~ 3. The provisions of this section apply to all offices, departments, divisions, boards, commissions, institutions, agencies or any other units of:

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

(b) The Nevada System of Higher Education; and

(c) The Public Employees' Retirement System.

Sec. 3. This act becomes effective ~~[on July 1, 2015.]~~ upon passage and approval.

Senator Brower moved that the Senate concur in Assembly Amendment No. 693 to Senate Bill No. 36.

Remarks by Senator Brower.

The amendment changes the effective date of the bill from July 1, 2015, to "upon passage and approval."

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 38.

The following Assembly amendment was read.

Amendment No. 692.

SUMMARY—Revises provisions governing the regulation of gaming. (BDR 41-350)

AN ACT relating to gaming; revising provisions governing the operation of charitable lotteries; requiring the Nevada Gaming Commission to adopt certain regulations relating to the operation of club venues and the registration of club venue employees; revising various definitions relating to gaming; removing licensing requirements for certain persons associated with gaming; requiring persons who manufacture or distribute associated equipment relating to gaming to be registered; requiring the Commission to adopt certain regulations relating to the registration of such persons; repealing certain provisions relating to gaming; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the operation of charitable lotteries by certain charitable and nonprofit organizations. (Chapter 462 of NRS) Sections 1-1.2 of this bill: (1) authorize an alumni organization or a state or local bar organization to operate charitable lotteries; and (2) make certain technical changes governing the operation of charitable lotteries.

Existing law requires the Nevada Gaming Commission and the State Gaming Control Board to administer state gaming licenses and manufacturers', sellers' and distributors' licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) Sections 1.4-1.7 of this bill: (1) provide certain definitions related to the operation of club venues within nonrestricted gaming establishments; and (2) require the Commission to adopt regulations relating to such club venues and the registration of club venue employees.

Sections 1.9 and 2 of this bill revise the definitions of the terms "gaming employee" and "manufacture" for the purposes of the statutory provisions governing the licensing and control of gaming by including references to manufacturers of associated equipment.

Existing law prohibits certain actions related to gaming without the person first procuring and maintaining the required licensure. (NRS 463.160) Existing law also authorizes the Commission to provide by regulation for the licensing of service providers, who generally: (1) perform certain services on behalf of another licensed person who conducts nonrestricted gaming operations or an establishment licensed to operate interactive gaming; or (2) provide services or devices which patrons of licensed establishments use to obtain cash or wagering instruments. (NRS 463.677) Section 6 of this bill removes the licensing requirement for persons who provide certain intellectual property or information via a database or customer list.

Existing law makes it unlawful to manufacture, sell or distribute certain items related to gaming without procuring and maintaining the required licensure. (NRS 463.650) Section 5.5 of this bill requires the Commission to adopt regulations governing associated equipment, including prescribing the requirements for registration and the fees for the application for and issuance and renewal of a registration to manufacture and distribute associated equipment.

Existing law authorizes the Commission to provide by regulation for the operation of interactive gaming and the licensing of: (1) the operation of interactive gaming; (2) a manufacturer of interactive gaming systems; (3) a manufacturer of equipment associated with interactive gaming; and (4) an interactive gaming service provider. (NRS 463.750-463.767) Sections 7-10 of this bill remove and repeal the provisions authorizing the Commission to license manufacturers of equipment associated with interactive gaming.

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

Section 1. NRS 462.125 is hereby amended to read as follows:

462.125 "Qualified organization" means a bona fide *alumni*, charitable, civic, educational, fraternal, patriotic, political, religious, *state or local bar* or veterans' organization that is not operated for profit.

Sec. 1.1. NRS 462.140 is hereby amended to read as follows:

462.140 A qualified organization may operate a charitable lottery if:

1. The organization is approved by the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year *exceeds \$25,000, but* does not exceed \$500,000;

2. ~~{The}~~ *Except as otherwise provided in subsection 4, the* organization registers with the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year *exceeds \$2,500, but* does not exceed \$25,000; ~~{or}~~

3. The total value of the prizes offered in the charitable lottery does not exceed \$2,500 and ~~{~~

~~{(a) The}~~ *the* organization operates no more than two charitable lotteries per calendar year; or

~~{(b)}~~ 4. The tickets or chances for the charitable lottery are sold only to members of the organization, and to guests of those members while attending a special event sponsored by the organization, and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year does not exceed \$15,000.

Sec. 1.2. NRS 462.180 is hereby amended to read as follows:

462.180 A qualified organization shall not:

1. ~~{Sell}~~ *Except as approved by the Executive Director, sell* any ticket or chance for a charitable lottery outside of:

(a) The primary county in which the charitable lottery is being conducted; and

(b) Any counties that border on the primary county.

2. If the organization has been approved by the Executive Director, conduct more than one charitable lottery in any calendar quarter without the specific authorization of the Executive Director.

Sec. 1.3. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 to 1.7, inclusive, of this act.

Sec. 1.4. *"Club venue" means a venue, including, without limitation, a pool venue, that:*

1. *Is located on the premises of a nonrestricted gaming establishment;*
2. *Prohibits patrons under 21 years of age from entering the premises;*
3. *Is licensed to serve alcohol;*
4. *Allows dancing; and*
5. *Offers live music, a disc jockey or an emcee.*

Sec. 1.5. *"Club venue employee" means a natural person or third-party contractor who is required to register under the regulations adopted by the Commission pursuant to section 1.7 of this act. The term includes:*

1. *Any person who provides hosting and VIP services; and*
2. *Any other person who the Commission determines must register because such registration is necessary to promote the public policy set forth in NRS 463.0129.*

Sec. 1.6. *"Club venue operator" means a person who:*

1. Operates a club venue as a tenant of, or pursuant to a management or similar type of agreement with, a nonrestricted licensee; and

2. Does not, or whose controlled affiliate does not, hold a nonrestricted gaming license.

Sec. 1.7. 1. The Commission shall, with the advice and assistance of the Board, provide by regulation for the registration of club venue employees and matters associated therewith. Such regulations may include, without limitation, the following:

(a) Requiring a club venue employee to register with the Board in the same manner as a gaming employee.

(b) Establishing the fees associated with registration pursuant to paragraph (a), which may not exceed the fees for registration as a gaming employee.

(c) Requiring a club venue operator to have a written agreement with:

(1) Any third-party contractor who provides hosting or VIP services to the club venue; and

(2) Any other third-party contractor who provides services to the club venue on the premises of a licensed gaming establishment and who the Commission determines must comply with the provisions of this paragraph because such compliance is necessary to promote the public policy set forth in NRS 463.0129.

(d) Requiring the registration of certain third-party contractors in the manner established for independent agents, including the authority to require the application of such persons for a determination of suitability pursuant to paragraph (b) of subsection 2 of NRS 463.167.

(e) Establishing the fees associated with registration pursuant to paragraph (d), which may not exceed the fees for registration as an independent agent.

2. Except as otherwise provided by specific statute or by the regulations adopted pursuant to this section, a club venue employee shall be deemed to be a gaming employee for the purposes of all provisions of this chapter and the regulations adopted thereto that apply to a gaming employee.

Sec. 1.8. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, and sections 1.4, 1.5 and 1.6 of this act have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, *associated equipment when the employer is required by NRS 463.650 to be licensed*, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems ~~[-] or interactive gaming systems ; [or equipment associated with interactive gaming;-]~~

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

(z) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 2. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of or make modifications to a gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada;

(b) To direct, control or assume responsibility for the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of any gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada; or

(c) To assemble, or control the assembly of, a gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada.

2. As used in this section:

(a) "Assume responsibility" means to:

(1) Acquire complete control over, or ownership of, the applicable gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system; and

(2) Accept continuing legal responsibility for the gaming device, *associated equipment*, cashless wagering system, mobile gaming system or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 463.331 is hereby amended to read as follows:

463.331 1. An Investigative Fund is hereby created as an enterprise fund for the purposes of paying all expenses incurred by the Board and the Commission for investigation of an application for a license, finding of suitability or approval under the provisions of this chapter. The special revenue of the Investigative Fund is the money received by the State from the respective applicants. The amount to be paid by each applicant is the amount determined by the Board in each case, but the Board may not charge any amount to an applicant for a finding of suitability to be associated with a gaming enterprise pursuant to paragraph (a) of subsection 2 of NRS 463.167 ~~[]~~, *other than a club venue operator*.

2. Expenses may be advanced from the Investigative Fund by the Chair, and expenditures from the Fund may be made without regard to NRS 281.160. Any money received from the applicant in excess of the costs and charges incurred in the investigation or the processing of the application must be refunded pursuant to regulations adopted by the Board and the Commission. At the conclusion of the investigation, the Board shall give to the applicant a written accounting of the costs and charges so incurred.

3. Within 3 months after the end of a fiscal year, the amount of the balance in the Fund in excess of \$2,000 must be deposited in the State General Fund.

Sec. 3.7. NRS 463.3407 is hereby amended to read as follows:

463.3407 1. Any communication or document of an applicant, ~~for~~ licensee ~~[]~~ *or club venue operator*, or an affiliate of ~~either~~ *an applicant, licensee or club venue operator*, which is made or transmitted to the Board or Commission or any of their agents or employees to:

(a) Comply with any law or the regulations of the Board or Commission;
 (b) Comply with a subpoena issued by the Board or Commission; or
 (c) Assist the Board or Commission in the performance of their respective duties,

➔ is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. If such a document or communication contains any information which is privileged pursuant to chapter 49 of NRS, that privilege is not waived or lost because the document or communication is disclosed to the Board or Commission or any of its agents or employees.

3. Notwithstanding the provisions of subsection 4 of NRS 463.120:

(a) The Board, Commission and their agents and employees shall not release or disclose any information, documents or communications provided by an applicant, ~~for~~ licensee ~~[]~~ *or club venue operator*, or an affiliate of ~~either~~ *an applicant, licensee or club venue operator*, which are privileged pursuant to chapter 49 of NRS, without the prior written consent of the applicant, licensee, *club venue operator* or affiliate, or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant, licensee, *club venue operator* or affiliate.

(b) The Board and Commission shall maintain all privileged information, documents and communications in a secure place accessible only to members of the Board and Commission and their authorized agents and employees.

(c) The Board and Commission shall adopt procedures and regulations to protect the privileged nature of information, documents and communications provided by an applicant, ~~for~~ licensee ~~or~~ club venue operator, or an affiliate of ~~either~~ an applicant, licensee or club venue operator.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 463.665 is hereby amended to read as follows:

463.665 1. ~~[A]~~ *The Commission shall, with the advice and assistance of the Board, adopt regulations prescribing:*

(a) *The manner and method for the approval of associated equipment by the Board; and*

(b) *The method and form of any application required by paragraph (a).*

2. *Except as otherwise provided in subsection 4, the regulations adopted pursuant to subsection 1 must:*

(a) *Require persons who manufacture or distribute associated equipment for use in this State to be registered by the Commission if such associated equipment:*

(1) *Is directly used in gaming;*

(2) *Has the ability to add or subtract cash, cash equivalents or wagering credits to a game, gaming device or cashless wagering system;*

(3) *Interfaces with and affects the operation of a game, gaming device, cashless wagering system or other associated equipment;*

(4) *Is used directly or indirectly in the reporting of gross revenue;*

(5) *Records sales for use in an area subject to the tax imposed by NRS 368A.200; or*

(6) *Is otherwise determined by the Commission to create a risk to the integrity of gaming and protection of the public if not regulated;*

(b) *Establish the degree of review an applicant for registration pursuant to this section must undergo, which level may be different for different forms of associated equipment; and*

(c) *Establish fees for the application, issuance and renewal of the registration required pursuant to this section, which must not exceed \$1,000 per application, issuance or renewal of such registration.*

3. *This section does not apply to:*

(a) *A licensee; or*

(b) *An affiliate of a licensee or an independent contractor as defined by NRS 463.01715.*

4. *In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, a manufacturer or distributor of associated equipment who sells, transfers or offers the associated equipment for use or play in Nevada may be required by the Commission, upon recommendation of the Board, to file an application*

for a finding of suitability to be a manufacturer or distributor of associated equipment.

~~{2. Any}~~

5. *In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, any person who directly or indirectly involves himself or herself in the sale, transfer or offering for use or play in Nevada of such associated equipment who is not otherwise required to be licensed as a manufacturer or distributor may be required by the Commission, upon recommendation of the Board, to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.*

~~{3.}~~ 6. If an application for a finding of suitability is not submitted to the Board within 30 days after demand by the Commission, it may pursue any remedy or combination of remedies provided in this chapter.

7. *Any person who manufactures or distributes associated equipment who has complied with all applicable regulations adopted by the Commission before October 1, 2015, shall be deemed to be registered pursuant to this section.*

Sec. 6. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, mobile gaming systems, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by a service provider who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to license service providers by maintaining strict regulation and control of the operation of such service providers and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the licensing and operation of a service provider and all persons, locations and matters associated therewith. Such regulations may include, without limitation:

(a) Provisions requiring the service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission, and to be licensed regardless of whether the service provider holds any other license.

(b) Criteria regarding the location from which the service provider conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to the licensing of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with a service provider, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that a service provider must be liable to the licensee on whose behalf the services are provided for the service provider's proportionate share of the fees and taxes paid by the licensee.

3. The Commission may not adopt regulations pursuant to this section until the Commission first determines that service providers are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

4. Regulations adopted by the Commission pursuant to this section must provide that the premises on which a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the service provider is a gaming licensee.

5. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; *or*

(4) ~~Provides the trademarks, trade names, service marks or similar intellectual property under which an establishment licensed to operate interactive gaming identifies its interactive gaming system to patrons;~~

~~—(5) Provides information regarding persons to an establishment licensed to operate interactive gaming via a database or customer list; or~~

~~—(6) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.~~

(b) "Service provider" means a person who:

(1) Acts on behalf of another licensed person who conducts nonrestricted gaming operations, and who assists, manages, administers or controls wagers or games, or maintains or operates the software or hardware

of games on behalf of such a licensed person, and is authorized to share in the revenue from games without being licensed to conduct gaming at an establishment;

(2) Is an interactive gaming service provider; ~~for~~

(3) Is a cash access and wagering instrument service provider; or

(4) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 7. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; *and*

(3) ~~[A license for a manufacturer of equipment associated with interactive gaming; and~~

~~—(4)]~~ A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; *and*

(2) ~~[A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming; and~~

~~—(3)]~~ A person must hold a license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems ~~[a manufacturer of equipment associated with interactive gaming]~~ or a service provider as described in paragraph (b) of subsection 5 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for a service provider as described in paragraph (b) of subsection 5 of NRS 463.677.

(2) The fee for the renewal of such a license for such a service provider and any renewal requirements for such a license.

(3) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which a service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define ~~["equipment associated with interactive gaming,"]~~ "interactive gaming system," ~~["manufacturer of equipment associated with interactive gaming,"]~~ "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for

a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.

Sec. 8. NRS 463.760 is hereby amended to read as follows:

463.760 1. Before issuing a license for a manufacturer of interactive gaming systems, ~~for manufacturer of equipment associated with interactive gaming,~~ the Commission shall charge and collect a license fee of ~~for~~:

~~— (a) One hundred and twenty five thousand dollars, \$125,000 for a license for a manufacturer of interactive gaming systems. ~~for~~ or~~

~~— (b) Fifty thousand dollars for a license for a manufacturer of equipment associated with interactive gaming.~~

2. Each license issued pursuant to this section must be issued for a 1-year period that begins on the date the license is issued.

3. Before renewing a license issued pursuant to this section, but in no case later than 1 year after the license was issued or previously renewed, the

Commission shall charge and collect a renewal fee for the renewal of the license for the immediately following 1-year period. The renewal fee for a license for a manufacturer of interactive gaming systems ~~for manufacturer of equipment associated with interactive gaming~~ is \$25,000.

Sec. 9. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

- (a) A license to operate interactive gaming;
- (b) A license for a manufacturer of interactive gaming systems; *and*
- (c) ~~[A license for a manufacturer of equipment associated with interactive gaming; and~~
- ~~—(d)]~~ A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction. A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of \$5,000. The money so collected:

- (a) Must not be deducted from any penal fine imposed by the court;
- (b) Must be stated separately on the court's docket; and
- (c) Must be remitted forthwith to the Commission.

Sec. 10. NRS 463.566, 463.5732 and 463.755 are hereby repealed.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1.3 to 1.8, inclusive, 3.3 and 3.7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting the regulations described in section 1.7 of this act and performing any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) Upon adoption by the Nevada Gaming Commission of the regulations described in section 1.7 of this act for all other purposes.

3. Section 5.5 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of that section; and

(b) On July 1, 2015, for all other purposes.

4. Sections 1, 1.1, 1.2, 1.9, 2, 3, 4, 5 and 6 to 10, inclusive, of this act become effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

463.566 Eligibility. No limited partnership is eligible to receive a state gaming license unless the conduct of gaming is among the purposes stated in its certificate of limited partnership.

463.5732 Eligibility for gaming license. No limited-liability company is eligible to receive a license unless the conduct of gaming is among the purposes stated in its articles of organization.

463.755 Commission may require license for manufacturer and others selling, transferring or offering equipment associated with interactive gaming.

1. Upon the recommendation of the Board, the Commission may require:

(a) A manufacturer of equipment associated with interactive gaming who sells, transfers or offers equipment associated with interactive gaming for use or play in this state to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

(b) A person who directly or indirectly is involved in the sale, transfer or offering for use or play in this state of equipment associated with interactive gaming who is not otherwise required to be licensed as a manufacturer or distributor pursuant to this chapter to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

2. If a person fails to submit an application for a license to be a manufacturer of equipment associated with interactive gaming within 30 days after a demand by the Commission pursuant to this section, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Senator Brower moved that the Senate concur in Assembly Amendment No. 692 to Senate Bill No. 38.

Remarks by Senator Brower.

The proposed Assembly amendment simply makes a small technical change to the bill and actually improves the bill. The sponsor of the bill, the Gaming Control Board, is in concurrence.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 40.

The following Assembly amendment was read.

Amendment No. 663.

SUMMARY—Prohibits certain acts relating to wagering. (BDR 41-353)

AN ACT relating to gaming; prohibiting certain acts related to wagering; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to perform certain actions relating to gaming without having first procured, and thereafter maintaining, all required gaming licenses. (NRS 463.160) This bill additionally provides that it is unlawful for a person to: (1) receive any compensation or reward, or any percentage or share of the money or property

played, for accepting ~~for facilitating the acceptance of~~ a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event, without having first procured, and thereafter maintaining, all required gaming licenses; (2) accept or facilitate a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event that is placed with a person who receives any compensation or reward, or any percentage or share of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses; or (3) transmit or deliver anything of value resulting from a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event with a person who receives any compensation or reward, or any percentage or share of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses. A person who violates any such provision is guilty of a category B felony.

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

Section 1. Chapter 465 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided by law, it is unlawful for a person to receive, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for accepting ~~for facilitating the acceptance of~~ any bet or wager upon the result of any event held at a track involving a horse or other animal, sporting event or other event, as defined by regulations adopted by the Nevada Gaming Commission, without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing body of any unincorporated town.*

2. *Except as otherwise provided by law, it is unlawful for a person to:*

(a) Accept or facilitate any bet or wager that is placed with a person described in subsection 1; or

(b) Transmit or deliver anything of value resulting from a bet or wager to a person who has placed a bet or wager with a person described in subsection 1.

3. *The provisions of this section do not make it unlawful for a race book or sports pool that is licensed pursuant to chapter 463 of NRS to, without knowledge, accept a bet or wager from or pay a winning bet or wager to a person described in subsection 1 or 2.*

Sec. 2. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.085, inclusive, and section 1 of this act, is guilty of a category B felony and shall be punished:

(a) For the first offense, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(b) For a second or subsequent violation of any of these provisions, 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 may be further punished by a fine of not more than \$10,000. The court shall not suspend a sentence of imprisonment imposed pursuant to this paragraph, or grant probation to the person convicted.

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.085, inclusive, *and section 1 of this act*, each is guilty of a category B felony and shall be punished by imposing the penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Senator Brower moved that the Senate concur in Assembly Amendment No. 663 to Senate Bill No. 40.

Remarks by Senator Brower.

This is another technical bill from the Gaming Control Board which is in agreement with the proposed minor language change in the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 50.

The following Assembly amendment was read.

Amendment No. 722.

SUMMARY—Makes various changes to the regulation of contractors by the State Contractors' Board. (BDR 54-387)

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 co-partnership, 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; ~~or~~

(b) One licensee owns at least 25 percent of the other licensee ~~or~~ ; *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 ~~[-] 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 ~~[-]~~ :

- (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, ~~or~~ 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~~ *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; ~~or~~

(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 ~~[-]~~;

(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.

Senator Settlemeyer moved that the Senate concur in Assembly Amendment No. 722 to Senate Bill No. 50.

Remarks by Senator Settlemeyer.

Amendment No. 722 to Senate Bill No. 50 allows a natural person to qualify on behalf of more than one licensee if the licensee is a corporation for public benefit.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 59.

The following Assembly amendment was read.

Amendment No. 691.

SUMMARY—Revises provisions relating to the state business portal. (BDR 7-448)

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this

State issued by state and local agencies and health districts; revising provisions governing the state business license; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) Section 4 of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. Section 4 further authorizes state and local agencies and health districts to: (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) meet certain other requirements related to participation in the state business portal. However, section 4 also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information. Section 3 of this bill deems that the records and files collected as common business registration information by the Secretary of State are confidential and privileged unless an exception applies.

Section 5 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business ~~(license)~~ registration or who

claims to be excluded or exempt from the requirement to obtain a state business ~~license~~ registration. Under section 4: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Sections 7 and 8 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. Section 9 of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. Section 10 of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal. Section 12 of this bill repeals certain provisions relating to: (1) the coordination of the collection of certain information and forms from businesses by state agencies and local governments; and (2) the affidavit required to be filed by an applicant who wishes to obtain a local business license to sell certain retail merchandise. Sections 4.3, 4.6, 6.5 and 7.5 of this bill change the term "state business license" to "state business registration."

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

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.*

Sec. 3. 1. *Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State ~~for a state or local agency or health district~~ pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State ~~for~~ and any employee of the Secretary of State ~~and any state or local agency or health district, or employee of an agency or health district, which~~ who is authorized to view or use the information in such records or files:*

(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and

(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:

(a) Testimony by the Secretary of State ~~for~~ or any employee of the Secretary of State ~~for~~, ~~or a member or employee of any state or local agency or health district~~ and the production of records, files and information on behalf of the Secretary of State ~~for~~, ~~any state or local agency or health district~~ or a person in any action or proceeding before the Secretary of State ~~for~~, ~~any state or local agency or health district~~, or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Secretary of State ~~for~~, ~~any state or local agency, health district~~ or a federal ~~governmental~~ agency in accordance with any agreement made and provided for in such cases or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.

(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a ~~local or~~ federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.

(f) Disclosure by the Secretary of State ~~for a state or local agency or health district~~ for the purpose of collection of a debt, fee or obligation owed to the Secretary of State ~~for the agency or district~~.

(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~[]~~ *and consultation with representatives of state agencies, local governments, health districts and businesses*, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~[]~~ *and the agency has entered into an agreement for access to the state business portal* ~~which is prescribed by~~ *with the Secretary of State*;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) *Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers*;

(f) *For the purpose of coordinating the collection of common information from businesses using the state business portal:*

(1) *Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and*

(2) *Cause the state business portal to* ~~provide~~ *exchange the common business registration information* ~~to~~ *among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State*;

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ (h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. *Each state agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State may, to the extent practicable, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:*

(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(c) Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.

(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to:

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions,

operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 5 of this act to an entity organized pursuant to this title or to a person who is issued a state business ~~license~~ registration or who claims to be excluded or exempt from the requirement to obtain a state business ~~license~~ registration pursuant to chapter 76 of NRS.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 4.3. NRS 76.030 is hereby amended to read as follows:

76.030 "State business ~~license~~ registration" means the ~~business license~~ registration required pursuant to this chapter.

Sec. 4.6. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business ~~license~~ registration issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business ~~license~~ registration at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business ~~license~~ registration before conducting a business in this State.

2. An application for a state business ~~license~~ registration must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~entity~~ business identification number as assigned by the Secretary of State, ~~[, if known,]~~ pursuant to section 5 of this act, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$100; and

(d) Include any other information that the Secretary of State deems necessary.

➡ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

- (c) A general partner of a limited partnership.
- (d) A managing partner of a limited-liability partnership.
- (e) A manager or managing member of a limited-liability company.
- (f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business ~~license~~ registration is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business ~~license~~ registration required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

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

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

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

Sec. 5. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business ~~license~~ registration pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business ~~license~~ registration pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.

Sec. 6. 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, 75A.100, 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, 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 ~~§~~ and section 3 of this act and 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. 6.5. NRS 244.335 is hereby amended to read as follows:

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

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

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

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral

service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

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

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

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

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

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

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

(b) Provides to the county license board the ~~entity~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

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

(a) Presents written evidence that:

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

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

(b) Provides to the county license board the ~~entity~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property

of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

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

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and
- (4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

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

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

Sec. 7. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

- (a) Signs an affidavit affirming that the business:
 - (1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;
 - (2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;
 - (3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each* board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ *report* of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. *A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.*

4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon* receiving an affidavit ~~for attestation~~ required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. *If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 7.5. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

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

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

5. The city licensing agency shall provide upon request an application for a state business ~~[license]~~ registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

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

(b) Provides to the city licensing agency the ~~[entity]~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

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

(a) Presents written evidence that:

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

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

(b) Provides to the city licensing agency the ~~[entity]~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

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

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

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

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

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

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

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the

license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ report of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. A city council or other governing board of an*

incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.

4. ~~Upon~~ Except as otherwise provided in subsection 5, upon receiving an affidavit ~~for attestation~~ required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. *If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 9. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

- (1) His or her full name;
- (2) The street address of his or her residence or business; and
- (3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

- (1) Its name; and
- (2) Its mailing address;

(c) A general partnership:

- (1) The full name of each partner who is a natural person;
- (2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

- (1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~—4.]~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~["Foreign artificial person" means an artificial person that is not organized under the laws of this State.~~

~~—(c)]~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 10. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this

chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~and~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[-]~~; and

(f) *The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.*

↪ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information

listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 237.180, 364.110 and 364.120 are hereby repealed.

Sec. 12.5. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "state business registration" for the term "state business license" as previously used, to substitute appropriately the terms "register," "registered" or "registration" for the terms "license," "licensed" or "licensing" as previously used in reference to the issuance of a state business license and to substitute appropriately the term "business identification number" for the term "state business license number" as previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "state business registration" for the term "state business license" as previously used, substitute appropriately the terms "register," "registered" or "registration" for the terms "license," "licensed" or "licensing" as previously used in reference to the issuance of a state business license and substitute appropriately the term "business identification number" for the term "state business license number" as previously used.

Sec. 13. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section

applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed \$3 for the filing of the affidavit required to be filed by NRS 364.110.

Senator Brower moved that the Senate concur in Assembly Amendment No. 691 to Senate Bill No. 59.

Remarks by Senator Brower.

The sponsor of the bill, the Secretary of State's Office, recommended that the Assembly make certain minor language changes in the bill by way of this amendment.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 84.

The following Assembly amendment was read.

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 dietician 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 ~~{a}~~ :
 - (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~{-}~~ ;
 - (b) A physician assistant ~~{-}~~ ;
 - (c) A dentist ~~{-}~~ ;
 - (d) A licensed nurse ~~{-}~~ ;
 - (e) A dispensing optician ~~{-}~~ ;
 - (f) An optometrist ~~{-}~~ ;
 - (g) A practitioner of respiratory care ~~{-}~~ ;
 - (h) A registered physical therapist ~~{-}~~ ;
 - (i) An occupational therapist ~~{-}~~ ;

- (j) A podiatric physician [];
- (k) A licensed psychologist [];
- (l) A licensed marriage and family therapist [];
- (m) A licensed clinical professional counselor [];
- (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.

Senator Settlemeyer moved that the Senate concur in Assembly Amendment No. 725 to Senate Bill No. 84.

Remarks by Senator Settlemeyer.

Amendment No. 725 to Senate Bill No. 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."

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 144.

The following Assembly amendment was read

Amendment No. 820.

SUMMARY—Revises provisions governing traffic laws. (BDR 43-72)

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 ~~if~~ 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 non-voice 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.

~~{8.}~~ 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	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

6. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver;
or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Senator Hammond moved that the Senate concur in Assembly Amendment No. 820 to Senate Bill No. 144.

Remarks by Senator Hammond.

Amendment No. 820 makes the additional penalty for committing certain traffic violations in a pedestrian safety zone discretionary instead of mandatory, and 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.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 174.

The following Assembly amendment was read.

Amendment No. 742.

SUMMARY—Revises provisions governing eligibility to be a candidate for or member of the executive board or an officer of a unit-owners' association. (BDR 10-617)

AN ACT relating to common-interest communities; revising provisions governing eligibility to be a candidate for or member of the executive board or an officer of a unit-owners' association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a unit-owners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) This bill additionally excludes a person, other than a person appointed by the declarant, from being a candidate for or member of the executive board or an officer of a unit-owners' association if: (1) the person resides with, is married to or domestic partners with or is related within the third degree of consanguinity to a member of the board or an officer of the association; or

(2) the person stands to gain any personal profit or compensation from a matter before the board ~~or (3) the person owns more than one unit in the association~~. The exclusion does not apply: (1) to a person who owns 75 percent or more of the units in an association under certain circumstances; or (2) to a candidate for the executive board if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected. Lastly, this bill provides that if a person is not eligible to be a candidate for or member of the executive board or an officer of an association, the association: (1) must not place the person's name on the ballot; and (2) must prohibit such a person from serving as a member of the executive board or an officer of the association.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the

prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➡ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. ~~[Unless]~~ Except as otherwise provided in ~~[subsection]~~ subsections 10 and 11, unless a person is appointed by the declarant:

(a) A person may not be a candidate for or member of the executive board or an officer of the association if ~~[the]~~ :

(1) *The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;*

(2) *The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or*

(3) ~~[The person owns more than one unit in the association; or~~

~~—(4)—~~ *The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.*

(b) A person may not be a candidate for or member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. *A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:*

(a) *Be a candidate for or member of the executive board or an officer of the association; and*

(b) *Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of*

consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

↪ unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

11. A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

↪ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

12. If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

(a) Must not place his or her name on the ballot; and

(b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

13. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~{11-12-}~~ 14. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~{12. 13.}~~ 15. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~{13. 14.}~~ 16. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~{11. 12.}~~ 14 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material

provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➔ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

~~{14. 15.}~~ 17. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection ~~{13.~~

~~15. 14.}~~ 16.

18. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Senator Brower moved that the Senate concur in Assembly Amendment No. 742 to Senate Bill No. 174.

Remarks by Senator Brower.

The Assembly, by way of this amendment, is recommending a slight change in the bill with the approval of the bill's sponsor, our colleague from Clark County. The change is essentially as follows: the bill excludes certain persons from serving on an HOA board. The new exceptions to that exclusion include the following: 1) a person who owns 75 percent or more of the units in an association, under certain circumstances; and 2) a candidate for the executive board, where the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 188.

The following Assembly amendment was read.

Amendment No. 808.

SUMMARY—Revises provisions relating to vehicle collisions. (BDR 43-674)

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* ~~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 ~~{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 ~~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, ~~or~~ 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, ~~or~~ accident *or motor vehicle crash* which is life threatening or which will require a lengthy convalescence;

(2) There is a serious illness, ~~or~~ 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 ~~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 ~~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, ~~or~~ accident ~~or~~ *or crash*;
- (b) Coordinating the efforts of state, local and federal agencies responding to the leak, spill, ~~or~~ accident ~~or~~ *or crash*;
- (c) Managing the cleaning and decontamination of an area for the disposal of hazardous waste or the site of the leak, spill, ~~or~~ accident ~~or~~ *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, ~~or~~ accident ~~or~~ *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 ~~for~~ *or crash*.

(3) Investigate the occurrence of the leak, spill, ~~for~~ accident ~~for~~ *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 or of 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, ~~or~~ accident ~~or~~ *crash*.

(c) Investigate the occurrence of the spill, ~~or~~ accident ~~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, ~~or~~ 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, ~~or~~ 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 , ~~{or}~~ accident ~~{-}~~ *or crash*; or
- (3) Investigate the occurrence of the leak, spill , ~~{or}~~ accident ~~{-}~~ *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 crash*;
- (c) The number of employees killed or hospitalized as a result of the accident ~~[-]~~ *or crash*;
- (d) A brief description of the accident ~~[-]~~ *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 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 ~~[-]~~ *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 ~~[-]~~ *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 ~~[-]~~ *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 ~~[-]~~ *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 ~~[-]~~ *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 ~~[-]~~ *or crash*. The report must show the true cause of the accident ~~[-]~~ *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 ~~[-]~~ *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 ~~[-]~~ *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 ~~wrecks~~ *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.

Senator Hammond moved that the Senate concur in Assembly Amendment No. 808 to Senate Bill No. 188.

Remarks by Senator Hammond.

Basically, Amendment No. 808 makes two changes to Senate Bill No. 188. First, 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. Secondly, it 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.

Furthermore, I would add there was some confusion on this bill. I want to clarify for the record that it is our understanding that the bill does not require insurers to print any new documents, including but not limited to policies of insurance or filings with the Division of Insurance.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 192.

The following Assembly amendment was read:

Amendment No. 855.

SUMMARY—Revises provisions relating to sexual conduct between certain persons. (BDR 14-731)

AN ACT relating to crimes; providing that certain employees of or volunteers at a school who are convicted of engaging in sexual conduct with certain pupils are subject to various statutory provisions relating to sex offenders; providing that certain employees of a college or university who are convicted of engaging in sexual conduct with certain students are also subject to various statutory provisions relating to sex offenders; revising provisions relating to certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; prohibiting certain employees of or volunteers at a school from engaging in sexual conduct with ~~a pupil who is 18 years of age;~~ certain pupils; prohibiting certain employees of a college or university from engaging in sexual conduct with certain students; providing a penalty; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 1 and 12 of this bill add to the list of sexual offenses that require a sentence of lifetime supervision and for which certain conditions of lifetime supervision apply: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law also: (1) requires a person convicted of certain sexual offenses to undergo a psychosexual evaluation as part of the presentence investigation and report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.135, 176A.110) Sections 2 and 3 of this bill add to the list of sexual offenses which require a psychosexual evaluation as part of the presentence investigation and report and a certification that the person convicted does not represent a high risk to reoffend before the person may be granted probation or have his or her sentence suspended: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law requires the prosecuting attorney, sheriff or chief of police, upon request, to inform a victim or witness of certain sexual offenses: (1) when the defendant is released from custody at any time before or during the defendant's trial; and (2) of the final disposition of the case involving the victim or witness. (NRS 178.5698) Section 4 of this bill adds to the list of sexual offenses that are subject to such requirements concerning notification of a victim or witness: (1) an offense involving sexual conduct between

certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law allows a person convicted of certain offenses to petition the court for the sealing of all records relating to the conviction, but does not authorize the sealing of records relating to a conviction of certain sexual offenses. (NRS 179.245) Section 5 of this bill adds to the list of sexual offenses for which the sealing of records is not authorized: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law also defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.097, 213.1099, 213.1245) Section 6 of this bill revises the list of sexual offenses to which these statutory provisions apply to include: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner. The State Board of Parole Commissioners must consider the assessment before determining whether to grant or revoke the parole of a person convicted of a sexual offense. (NRS 213.1214) Section 13 of this bill adds to the list of sexual offenses which require such an assessment: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law generally provides that a person who: (1) is 21 years of age or older; (2) is or was employed in a position of authority by or is or was volunteering in a position of authority at a public or private school; and (3) engages in sexual conduct with a pupil, is guilty of a category C felony if the pupil is 16 or 17 years of age or a category B felony if the pupil is 14 or 15 years of age. (NRS 201.540) Section 10 of this bill: (1) removes the requirement that such a person be employed or volunteer in a position of authority; and (2) prohibits such a person from engaging in sexual conduct with a pupil who is ~~18~~ 16 years of age ~~or older~~ or older and who has not received a high school diploma, a general educational development certificate or an equivalent document. Similarly, existing law generally provides that a person who: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 or 17 years of age and enrolled in or attending the college or university, is guilty of a category C felony. (NRS 201.550) Section 11 of this

bill prohibits such a person from engaging in sexual conduct with a student who is ~~[18]~~ 16 years of age ~~[. Section 11 additionally provides that such a prohibition on engaging in sexual conduct with a student only applies if the student]~~ or older and who is enrolled in or attending the college or university but has not received a high school diploma, a general educational development certificate or an equivalent document.

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

Section 1. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, ~~for~~ 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 2. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

- (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (f) Incest pursuant to NRS 201.180;
- (g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;
- (h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;
- (i) Lewdness with a child pursuant to NRS 201.230;
- (j) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (k) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;*
- (l) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;*
- (m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- ~~{(n)}~~ (n) An attempt to commit an offense listed in paragraphs (a) to ~~{(k)},~~ (m), inclusive, if punished as a felony; or
- ~~{(m)}~~ (o) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 3. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions

for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Open or gross lewdness pursuant to NRS 201.210.

(h) Indecent or obscene exposure pursuant to NRS 201.220.

(i) Sexual penetration of a dead human body pursuant to NRS 201.450.

(j) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(k) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(k)]~~ (m) A violation of NRS 207.180.

~~[(l)]~~ (n) An attempt to commit an offense listed in paragraphs (b) to ~~[(k)],~~ (m), inclusive.

~~[(m)]~~ (o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 4. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,
➡ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

- (1) Sexual assault pursuant to NRS 200.366;
- (2) Statutory sexual seduction pursuant to NRS 200.368;
- (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (5) Incest pursuant to NRS 201.180;
- (6) Open or gross lewdness pursuant to NRS 201.210;
- (7) Indecent or obscene exposure pursuant to NRS 201.220;
- (8) Lewdness with a child pursuant to NRS 201.230;
- (9) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (10) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;*
- (11) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;*
- (12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- ~~{{(11)}}~~ (13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or
- ~~{{(12)}}~~ (14) An attempt to commit an offense listed in this paragraph.

Sec. 5. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

- (a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (d) Any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;
- (e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or
- (f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (d) A violation of NRS 484C.430;
- (e) 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;
- (f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(15) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~[(15)]~~ (17) An attempt to commit an offense listed in this paragraph.

Sec. 6. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(o) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(o)]~~ (q) Sex trafficking pursuant to NRS 201.300.

~~[(p)]~~ (r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p)]~~ (r), inclusive.

~~[(r)]~~ (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. ~~[(The)]~~ Except for the offenses described in paragraphs (n) and (o) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(p)]~~ (r) of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[(4)]~~ 3, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed ~~[(in a position of authority)]~~ by a public school or private school or is or was volunteering ~~[(in a position of authority)]~~ at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 ~~f, or 17 or 18~~ years of age *or older, who has not received a high school diploma, a general educational development certificate or an equivalent document* and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

→ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection ~~[4,]~~ 3, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed ~~[in a position of authority]~~ by a public school or private school or is or was volunteering ~~[in a position of authority]~~ at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

→ 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 may be further punished by a fine of not more than \$5,000.

3. ~~[For the purposes of subsections 1 and 2, a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:~~

~~—(a) A teacher or instructor;~~

~~—(b) An administrator;~~

~~—(c) A head or assistant coach; or~~

~~—(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.~~

~~—4.]~~ The provisions of this section do not apply to a person who is married to the pupil.

4. *The provisions of this section must not be construed to apply to sexual conduct between two pupils.*

Sec. 11. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 ~~f, or 17 or 18~~ years of age *or older*, ~~[and]~~ *who has not received a high school diploma,*

a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,

➡ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

- (a) A teacher, instructor or professor;
- (b) An administrator; or
- (c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student.

4. *The provisions of this section must not be construed to apply to sexual conduct between two students.*

Sec. 12. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

- 1. "Board" means the State Board of Parole Commissioners.
- 2. "Chief" means the Chief Parole and Probation Officer.
- 3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 , ~~for~~ 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 13. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must return a risk level of low, moderate or high. The Director shall ensure a completed assessment is

provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~[(18)]~~ (20) of paragraph (d).

↪ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210.

(11) Indecent or obscene exposure pursuant to NRS 201.220.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(15) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(15)]~~ (17) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[(14)]~~ (16), inclusive.

~~[(16)]~~ (18) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(17)]~~ (19) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~[(18)]~~ (20) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

↪ ~~[The]~~ *Except for the offenses described in subparagraphs 14 and 15, the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.*

Sec. 14. The amendatory provisions of:

1. Sections 1 to 4, inclusive, 10 and 11 of this act apply to offenses committed on or after October 1, 2015.

2. Sections 5 to 8, inclusive, 12 and 13 of this act apply to offenses committed before, on or after October 1, 2015.

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

Senate in recess at 1:21 p.m.

SENATE IN SESSION

At 1:22 p.m.

President Hutchison presiding.

Quorum present.

Senator Brower moved that the Senate concur in Assembly Amendment No. 855 to Senate Bill No. 192.

Remarks by Senator Brower.

This original bill sponsored by our colleague from Senate District 9 prohibited certain employees or volunteers at a school from engaging in sexual conduct with certain pupils. The Assembly amendment simply allows for this law to apply to pupils of any age as long as they are still in high school. Therefore, pupils who, for certain reasons, are still in high school beyond the age of 18 will still be subject to this law. That means any employee of that school who has a sexual relationship with such a pupil will be violating the law.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 209.

The following Assembly amendment was read.

Amendment No. 809.

SUMMARY—Revises provisions governing a designation of veteran status on drivers' licenses and other documents issued by the Department of Motor Vehicles. (BDR 43-1009)

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 a~~ 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~~ driver's license, ~~or~~ 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, ~~by 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~~ license, ~~or~~ 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 ~~[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 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 ~~[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 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 ~~for 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 ~~for 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.

Senator Hammond moved that the Senate concur in Assembly Amendment No. 809 to Senate Bill No. 209.

Remarks by Senator Hammond.

Amendment No. 809 to Senate Bill No. 209 expands the provisions of the bill to include identification cards and commercial drivers' licenses.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 223.

The following Assembly amendment was read.

Amendment No. 721.

SUMMARY—Revises provisions relating to contractors. (BDR 53-984)

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~~ 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~~ 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 ~~[-, 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.)

Senator Settlemeyer moved that the Senate concur in Assembly Amendment No. 721 to Senate Bill No. 223.

Remarks by Senator Settlemeyer.

Amendment No. 721 to Senate Bill No. 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.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 238.

The following Assembly amendment was read.

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, ~~an~~ 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 "Y," 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 3 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.]~~

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 822 to Senate Bill No. 238.

Remarks by Senator Goicoechea.

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 be combined?"

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 240.

The following Assembly amendment was read.

Amendment No. 790.

SUMMARY—Makes certain changes relating to public safety.
(BDR 14-955)

AN ACT relating to public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring the Central Repository, upon request, to conduct a background check without charge on a person who wishes to acquire a firearm; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Department of Health and Human Services; requiring a mental health professional to apply for the emergency admission of a patient to a mental health facility or notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to transmit to the Central Repository for Nevada Records of Criminal History a record of any court order, judgment, plea or verdict concerning the involuntary admission of a person to a mental health facility, the appointment of a guardian for a person with a mental defect, a finding that a person is incompetent to stand trial, a verdict acquitting a defendant by reason of insanity or a plea or finding of guilty but mentally ill, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) Sections 1-4, 13 and 17 of this bill require such records to be transmitted to the Central Repository within 5 business days.

Existing law requires the inclusion, correction and removal of information in records of criminal history in each appropriate database of the National Instant Criminal Background Check System. (NRS 179A.163, 179A.165, 179A.167, 433A.310) Sections 8-10 ~~and 17~~ of this bill also authorize or require, as appropriate, the inclusion, correction and removal of such information in each appropriate database of the National Crime Information Center. Section 5 of this bill defines "National Crime Information Center" to mean the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Existing law requires each agency of criminal justice to submit information relating to records of criminal history within the period described by the Director of the Department of Public Safety. (NRS 179A.075) Section 7 of this bill requires the submission of such information within 60 days after the date of the conviction.

Existing law authorizes a private person who wishes to transfer a firearm to another person to request the Central Repository to perform a background check on the person who wishes to acquire the firearm. (NRS 202.254) Section 14 of this bill prohibits the Central Repository from charging a fee to perform a background check for such a transfer. Section 14 further provides immunity from civil and criminal liability to a person who does not request a background check or who requests a background check for any act or omission that was taken in good faith and without malicious intent. Finally, section 14 allows the Director of the Department of Public Safety to request an allocation from the Contingency Account in the State General Fund if necessary to cover the cost of providing background checks without the imposition of a fee.

Existing law prohibits a person who has been adjudicated as mentally ill, has been committed to any mental health facility or is illegally or unlawfully in the United States from possessing or having custody or control of a firearm. (NRS 202.360) Section 15 of this bill also prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty but mentally ill or has been acquitted by reason of insanity from possessing or having custody or control of a firearm.

Existing law prohibits a person from selling or otherwise disposing of any firearm or ammunition to another person if he or she has actual knowledge that the other person: (1) is under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has been adjudicated as mentally ill or has been committed to a mental health facility; or (4) is illegally or unlawfully in the United States. (NRS 202.362) Section 16 of this bill prohibits a person from selling, transferring or otherwise disposing of any firearm or ammunition to another person or purchasing a firearm on behalf of or for another person with the intent to transfer the firearm to that person if he or she has reasonable cause to believe that the other person meets any of those listed conditions, if the other person is otherwise prohibited from possessing a firearm or if the other person is a member of a criminal gang.

Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State, and further provides that no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 of this bill expand such rights and powers of the Legislature to include those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2) define all such terms. Sections 16.3-16.7 provide that certain ordinances or regulations which are inconsistent with these rights and powers of the Legislature are null and void and require the governing bodies of certain political subdivisions of this State to repeal any such ordinance or regulation. Sections 16.3-16.7 also authorize any person who is adversely affected by the

enforcement of any such ordinance or regulation on or after the effective date of these sections to file suit in the appropriate court for declarative and injunctive relief and damages. Such a person is entitled to certain damages depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Existing law provides that a patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the patient and the patient's psychologist or doctor. (NRS 49.209, 49.225) Sections 11 and 12 of this bill provide exceptions to the privilege for certain determinations which are now required pursuant to this bill.

Existing law: (1) designates the Department of Health and Human Services as the official state agency for developing and administering outpatient mental health services; and (2) requires the Department to perform certain functions relating to mental health. (NRS 433C.130) Section 18 of this bill requires the Department to also assist and consult with local governments and all local law enforcement agencies in this State in providing community mental health services.

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) Section 19 of this bill provides that if a patient of a mental health professional makes an explicit threat of imminent serious physical harm or death to a person, and the mental health professional believes the patient has the intent and ability to carry out the threat, the mental health professional must : (1) apply for the emergency admission of the patient to a mental health facility; or (2) notify the threatened person and the appropriate law enforcement agency. A mental health professional who exercises reasonable care in determining whether or not to provide notice of such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. Section 20 of this bill amends section 5 of A.B. 147 to include and preempt

ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

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

Section 1. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty or guilty but mentally ill.

2. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty, guilty but mentally ill or nolo contendere, reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty but mentally ill has the burden of establishing the defendant's mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

5. The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish by a preponderance of the evidence that:

(a) Due to a disease or defect of the mind, the defendant was in a delusional state at the time of the alleged offense; and

(b) Due to the delusional state, the defendant either did not:

(1) Know or understand the nature and capacity of his or her act; or

(2) Appreciate that his or her conduct was wrong, meaning not authorized by law.

6. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or guilty but mentally ill or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

7. A defendant may not enter a plea of guilty or guilty but mentally ill pursuant to a plea bargain for an offense punishable as a felony for which:

- (a) Probation is not allowed; or
 - (b) The maximum prison sentence is more than 10 years,
- ↪ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if the defendant is represented by counsel, and the prosecuting attorney.

8. If the court accepts a plea of guilty but mentally ill pursuant to this section, the court shall cause, *within 5 business days after acceptance of the plea*, on a form prescribed by the Department of Public Safety, a record of that plea to be transmitted to the Central Repository for Nevada Records of Criminal History along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

9. As used in this section:

- (a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.
- (b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 2. NRS 175.533 is hereby amended to read as follows:

175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

- (a) The defendant is guilty beyond a reasonable doubt of an offense;
- (b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense; and
- (c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. If the trier of fact finds a defendant guilty but mentally ill pursuant to subsection 1, the court shall cause, *within 5 business days after the finding*, on a form prescribed by the Department of Public Safety, a record of the finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. As used in this section:

- (a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.
- (b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and the defendant is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if the defendant were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport the person to a forensic facility for detention pending a hearing to determine the person's mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a person with mental illness, the court must order the person's discharge; or

(b) That there is clear and convincing evidence that the person is a person with mental illness, the court must order that the person be committed to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services until the person is discharged or conditionally released therefrom in accordance with NRS 178.467 to 178.471, inclusive.

➡ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the reports and the court shall proceed in the manner provided in NRS 178.467 to 178.471, inclusive.

4. If the court accepts a verdict acquitting a defendant by reason of insanity pursuant to this section, the court shall cause, *within 5 business days after accepting the verdict*, on a form prescribed by the Department of Public Safety, a record of that verdict to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

5. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Public and Behavioral Health of the Department of Health and Human Services for offenders and defendants with mental disorders. The term includes, without limitation, Lakes Crossing Center.

(c) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(d) "Person with mental illness" has the meaning ascribed to it in NRS 178.3986.

Sec. 4. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure. The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. The defendant must be held in such custody until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. Except as otherwise provided in subsection 5, proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought after a period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has lapsed since the date of the alleged offense.

6. If a defendant is found incompetent pursuant to this section, the court shall cause, *within 5 business days after the finding*, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 5. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"National Crime Information Center" means the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Sec. 6. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 5 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, ~~for~~ issues ~~to~~ or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➔ ~~within the period prescribed by the Director of the Department.~~ *60 days after the date of the disposition of the case.* If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➡ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➡ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➡ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 8. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository ~~shall~~ :

(a) *Shall* take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System ~~[-]~~ ; and

(b) *May* take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center.

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

(a) The basis for the adjudication reported in the record no longer exists;

(b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

(c) The information reported in the record must be removed from the National Instant Criminal Background Check System ~~[-]~~ *and the National Crime Information Center.*

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository.

4. A petition filed pursuant to subsection 2 must be:

(a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and

(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from the National Instant Criminal Background Check System ~~[-]~~ *and the National Crime Information Center, if applicable.*

10. If the Central Repository fails to remove a record as provided in subsection 9, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 9. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for *a purpose related to criminal justice, including, without limitation, inclusion in the appropriate database of the National Instant Criminal Background Check System and the National Crime Information Center, if applicable. The Central Repository may disclose the record to any agency of criminal justice.*

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 10. NRS 179A.167 is hereby amended to read as follows:

179A.167 1. The Central Repository shall permit a person who is or believes he or she may be the subject of information relating to records of mental health held by the Central Repository to inspect and correct any information contained in such records.

2. The Central Repository shall adopt regulations and make available necessary forms to permit inspection, review and correction of information relating to records of mental health by those persons who are the subjects thereof. The regulations must specify:

(a) The requirements for proper identification of the persons seeking access to the records; and

(b) The reasonable charges or fees, if any, for inspecting records.

3. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information or records of mental health by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of mental health found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A reasonable time limit within which inaccurate or insufficient information relating to records of mental health must be corrected and the corrected information disseminated.

4. As used in this section, "information relating to records of mental health" means information contained in a record:

(a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

(b) Transmitted to the National Instant Criminal Background Check System or the National Crime Information Center pursuant to NRS 179A.163.

Sec. 11. NRS 49.213 is hereby amended to read as follows:

49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

1. For communications relevant to an issue in a proceeding to hospitalize the patient for mental illness, if the psychologist in the course of diagnosis or treatment has determined that the patient requires hospitalization.

2. For communications relevant to *any determination made pursuant to NRS 202.360*.

3. *For communications relevant to* an issue of the treatment of the patient in any proceeding in which the treatment is an element of a claim or defense.

~~{3-}~~ 4. If disclosure is otherwise required by state or federal law.

~~{4-}~~ 5. For communications relevant to an issue in a proceeding to determine the validity of a will of the patient.

~~{5-}~~ 6. If there is an immediate threat that the patient will harm himself or herself or other persons.

~~{6-}~~ 7. For communications made in the course of a court-ordered examination of the condition of a patient with respect to the specific purpose of the examination unless the court orders otherwise.

~~{7-}~~ 8. For communications relevant to an issue in an investigation or hearing conducted by the Board of Psychological Examiners if the treatment of the patient is an element of that investigation or hearing.

~~{8-}~~ 9. For communications relevant to an issue in a proceeding relating to the abuse or neglect of a person with a disability or a person who is legally incompetent.

Sec. 12. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. *For communications relevant to any determination made pursuant to NRS 202.360*.

3. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

~~{3.}~~ 4. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

~~{4.}~~ 5. In a prosecution or mandamus proceeding under chapter 441A of NRS.

~~{5.}~~ 6. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

~~{6.}~~ 7. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

~~{7.}~~ 8. As to records that are required by chapter 453 of NRS to be maintained.

~~{8.}~~ 9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 13. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause , *within 5 business days after issuing the order*, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, incompetence, condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 14. NRS 202.254 is hereby amended to read as follows:

202.254 1. A private person who wishes to transfer a firearm to another person may, before transferring the firearm, request that the Central Repository for Nevada Records of Criminal History perform a background check on the person who wishes to acquire the firearm.

2. The person who requests the information pursuant to subsection 1 shall provide the Central Repository with identifying information about the person who wishes to acquire the firearm.

3. Upon receiving a request from a private person pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the Central Repository shall within 5 business days after receiving the request:

(a) Perform a background check on the person who wishes to acquire the firearm; and

(b) Notify the person who requests the information whether the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a state or federal law.

4. If the person who requests the information does not receive notification from the Central Repository regarding the request within 5 business days after making the request, the person may presume that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law.

5. The Central Repository may *not* charge a ~~reasonable~~ fee for performing a background check and notifying a person of the results of the background check pursuant to this section.

6. ~~[The failure of a person to request the Central Repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.] A private person who transfers a firearm to another person is immune from civil liability for failing to request a background check pursuant to this section or for any act or omission relating to a background check requested pursuant to this section if the act or omission was taken in good faith and without malicious intent.~~

7. *The Director of the Department of Public Safety may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of subsection 5 of this section.*

Sec. 15. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is a fugitive from justice; ~~or~~

(c) Is an unlawful user of, or addicted to, any controlled substance ~~[-]~~; or

(d) *Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.*

➔ A person who violates the provisions of this subsection 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 may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility ~~[- or]~~ *by a court of this State, any other state or the United States;*

(b) *Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;*

(c) *Has been found guilty but mentally ill in a court of this State, any other state or the United States;*

(d) *Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or*

(e) Is illegally or unlawfully in the United States.

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

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 16. NRS 202.362 is hereby amended to read as follows:

202.362 1. Except as otherwise provided in subsection 3, a person within this State shall not sell, *transfer* or otherwise dispose of any firearm or ammunition to another person *or purchase a firearm on behalf of or for another person with the intent to transfer the firearm to that person* if he or she has ~~actual knowledge~~ *reasonable cause to believe* that the other person:

(a) Is under indictment for, or has been convicted of, a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is ~~a fugitive from justice;~~

~~—(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or~~

~~—(d) Is illegally or unlawfully in the United States.] prohibited from possessing a firearm pursuant to NRS 202.360; or~~

(c) *Is a known member of a criminal gang as defined in NRS 193.168.*

2. A person who violates 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 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

3. This section does not apply to a person who sells or disposes of any firearm or ammunition to:

(a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; or

(b) A person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

4. *For purposes of this section, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.*

Sec. 16.3. NRS 244.364 is hereby amended to read as follows:

244.364 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada ~~and~~ and ~~no~~ to define such terms. No county may infringe upon those rights and powers. ~~As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ 3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as]~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" ~~means~~ includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to ~~be used as a weapon from which~~, able to or able to be readily converted to expel a projectile ~~may be expelled~~ through the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive, other form of combustion ~~or~~.

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand, or expanding gases.~~

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 16.5. NRS 268.418 is hereby amended to read as follows:

268.418 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada ~~[,]~~ and ~~[no]~~ to define such terms. No city may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ 3. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~{3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as}~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any

official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects

a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" ~~[means]~~ includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to ~~be used as a weapon from which~~, able to or able to be readily converted to expel a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ action of ~~[any explosion or]~~ an explosive, other form of combustion ~~[-~~

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.] or expanding gases.~~

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 16.7. NRS 269.222 is hereby amended to read as follows:

269.222 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ~~carrying,~~ ownership, transportation, ~~storage,~~ registration and licensing of firearms, ~~firearm accessories~~ and ammunition in Nevada ~~[,] and [no]~~ to define such terms. No town may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ 3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~—(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~—(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as]~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment of enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting

and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" ~~[means]~~ includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to ~~[be used as a weapon from which]~~, able to or able to be readily converted to expel a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ action of ~~[any explosion or]~~ an explosive, other form of combustion ~~[~~

~~— (b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~— (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand. ~~]~~ or expanding gases.~~

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 17. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of

the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, *within 5 business days after ~~issuing~~ the order ~~it~~ becomes final pursuant to this section*, on a form prescribed by the Department of Public Safety, a record of ~~such~~ the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 18. NRS 433C.130 is hereby amended to read as follows:

433C.130 The Department is designated as the official state agency responsible for developing and administering preventive and outpatient mental health services. The Department shall function in the following areas:

1. Assisting and consulting with local health authorities, *local governments and all law enforcement agencies in this State* in providing community mental health services, which services may include prevention, rehabilitation, case finding, diagnosis and treatment of persons with mental illness, and consultation and education for groups and individuals regarding mental health.

2. Coordinating mental health functions with other state agencies.

3. Participating in and promoting the development of facilities for training personnel necessary for implementing such services.

4. Collecting and disseminating information pertaining to mental health.

5. Performing such other acts as are necessary to promote mental health in the State.

Sec. 19. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:*

- (a) *The person who is the subject of the threat;*
- (b) *The law enforcement agency with the closest physical location to the residence of the person; and*
- (c) *If the person is a minor, the parent or guardian of the person.*

2. *A mental health professional who exercises reasonable care in determining that he or she:*

(a) *Has a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.*

(b) *Does not have a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.*

3. *The provisions of this section do not:*

(a) *Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or*

(b) *Modify any duty of a mental health professional to take precautions to prevent harm by a patient:*

(1) *In the custody of a hospital or other facility where the mental health professional is employed; or*

(2) *Who is being discharged from such a facility.*

4. *As used in this section, "mental health professional" includes:*

(a) *A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;*

(b) *A psychologist who is licensed to practice psychology in this State pursuant to chapter 641 of NRS;*

(c) *A social worker who:*

(1) *Holds a master's degree in social work; ~~for a related field;~~*

(2) *Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and*

(3) *Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;*

(d) *A registered nurse who:*

(1) *Is licensed to practice professional nursing in this State; and*

- (2) *Holds a master's degree in psychiatric nursing or a related field;*
 (e) *A marriage and family therapist licensed pursuant to chapter 641A of NRS; ~~and~~*
 (f) *A clinical professional counselor licensed pursuant to chapter 641A of NRS; ~~and~~*
 (g) *A person who is working in this State within the scope of his or her employment by the Federal Government and is:*
 (1) *Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;*
 (2) *Licensed as a social worker in another state and holds a master's degree in social work; or*
 (3) *Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.*

Sec. 20. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

~~Sec. 5. 1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~2. The provisions of this act, as amended on October 1, 2007, apply to ordinances or regulations adopted before, on or after June 13, 1989.~~

Sec. 21. Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision must be destroyed within 1 year after the effective date of this section.

Sec. 22. 1. This section and sections 16.3, 16.5, 16.7, 20 and 21 of this act become effective upon passage and approval.

2. Sections 1 to 16, inclusive, 17, 18 and 19, of this act become effective on October 1, 2015.

Senator Brower moved that the Senate concur in Assembly Amendment No. 790 to Senate Bill No. 240.

Remarks by Senators Brower, Roberson and Ford.

SENATOR BROWER:

Amendment No. 790 to Senate Bill No. 240 essentially does three things. In section 19, it changes the language to provide that a mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160. Secondly, in section 19 of the bill, the amendment proposes an expansion of the definition of mental health professional to include certain licensed or certified persons beyond the categories in the original bill.

Finally, at the end of the bill, in section 21, the bill mirrors another bill that was passed this Session by adding in an elimination of the so-called blue-card system currently in existence in Clark County.

SENATOR ROBERSON:

This is my bill, and I would like to mention that the last point made by my colleague from Washoe County with regard to the blue card is entirely duplicative language that is in Senate Bill No. 175 that has passed both Houses. At this point, it is redundant, but it is in the bill for reasons that can be explained by those on the other side of the building. I do want everyone to know that has already been passed by both Houses.

SENATOR FORD:

While we concur with most of these amendments, it is the punitive pre-emption portion that many of us will disagree with on this particular amendment.

SENATOR ROBERSON:

To which, I will say, again, that is already in the other bill that has passed both Houses.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 254.

The following Assembly amendment was read.

Amendment No. 823.

SUMMARY—Revises provisions relating to construction. (BDR 28-791)

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;

~~[(e)]~~ (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 624.609 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 624.621 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~~

~~— (e) 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) ~~for (1)~~ 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)~~ ~~(3)~~ 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.~~ 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. [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 . ~~[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.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 823 to Senate Bill No. 254.

Remarks by Senator Goicoechea.

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.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 285.

The following Assembly amendment was read.

Amendment No. 739.

SUMMARY—Revises provisions relating to local law enforcement agencies. (BDR 20-208)

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	~~[9]~~ 15
For each warrant lawfully executed , <i>unless a higher amount is established by the board of county commissioners</i>	48
~~[For]~~ <i>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</i>	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]~~ <i>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</i>	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 misdemeanor, 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 ~~{3}~~ 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 ~~{3}~~ 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.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 739 to Senate Bill No. 285.

Remarks by Senator Goicoechea.

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.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 401.

The following Assembly amendment was read.

Amendment No. 733.

SUMMARY—Revises provisions relating to notaries public and document preparation services. (BDR 19-895)

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~~~~

~~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.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 733 to Senate Bill No. 401.

Remarks by Senator Goicoechea.

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.

Senator Woodhouse moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:31 p.m.

SENATE IN SESSION

At 1:32 p.m.

President Hutchison presiding.

Quorum present.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 419.

The following Assembly amendments were read.

Amendment No. 674.

SUMMARY—Revises provisions relating to services for persons with disabilities. (BDR 38-978)

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 services of independent living 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 Aging and Disability Services Division of the Department of Health and Human Services, in cooperation with the State Treasurer, to establish 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 services of

independent living 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 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 ~~shall~~ may adopt regulations to establish and carry out the Nevada ABLE Savings Program ~~which must~~ 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.

Sec. 9. 1. ~~The #Division#~~ State Treasurer may delegate any of its administrative powers and duties specified in sections 2 to 15, inclusive, of this act if the ~~#Division#~~ 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 ~~fund~~ trust agreements; ~~fund~~

(b) All earnings on the money in the Trust Fund ~~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.

~~3.4~~ 4. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

~~4.4~~ 5. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada ABLE Savings Program.

~~5.4~~ 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 ~~private entities~~ any entity for direct expenses or marketing. Such money is not a part of the Trust Fund.*

Sec. 14. *The ~~Division~~ 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 ~~Division~~ State Treasurer in carrying out the provisions of this section.*

Sec. 15. 1. *The ~~Division~~ 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 ~~Division~~ 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 ~~2~~ 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 ~~Division~~ 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 ~~Division~~ 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 ~~Division~~ State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the ~~Division~~ 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 ~~Division~~ 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 ~~the~~ :*

(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 ~~for the~~ ;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund ~~for the~~ ;

(c) The selection of investment managers for the Nevada ABLE Savings Program ; and ~~the~~

(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 services of independent living 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 services of independent living and assistive technology;

(b) Prescribing the criteria for determining the eligibility of such an applicant;

(c) Prescribing the nature of the services of independent living 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 services of independent living 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 ~~[-]~~ *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, to the contrary, 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 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 was appointed.

Sec. 23. This act becomes effective on July 1, 2015.

Amendment No. 794.

SUMMARY—Revises provisions relating to services for persons with disabilities. (BDR 38-978)

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 ~~[-] 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.

Senator Hardy moved that the Senate concur in Assembly Amendments Nos. 674, 794 to Senate Bill No. 419.

Remarks by Senator Hardy.

Amendment No. 674 tells the State Treasurer that they may adopt regulations to allow for the ABLE Act which allows people who are disabled to have a savings account and not have it count against their Medicaid or any or SSIS or any disability, nor can it be used for any other purposes than what the person needs it to be such as living expenses and/or education.

Amendment No. 794 clarifies that the State Treasurer's Office establish, or otherwise ensure the establishment, of the Nevada ABLE Savings Program.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 476.

The following Assembly amendments were read.

Amendment No. 656.

SUMMARY—Amends provisions relating to certain local districts. (BDR 49-826)

AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon ~~the approval of~~ the approval of ~~registered voters or electors~~; authorizing the increase, decrease or elimination of the fee upon ~~the approval of~~ such approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a conservation district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a conservation district may be organized as a political subdivision of the State, with various powers and duties regarding the conservation of natural resources within the district. (Chapter 548 of NRS)

In section 2 of this bill, the Legislature declares that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes the districts suited to serve as ~~coordinating~~ cooperating agencies for the purposes of the federal National Environmental

Policy Act (42 U.S.C. §§ 4321 et seq.) and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976. (43 U.S.C. §§ 1701 et seq.)

Section 4 of this bill requires a board of county commissioners to impose an annual fee, not to exceed \$25, on each parcel in a conservation district, if the imposition of the fee is approved at an election. Under section 5 of this bill, a board of county commissioners must submit to the voters the question of whether to impose the fee upon receipt of a petition signed by either a majority of the supervisors of the conservation district or at least 10 percent of the registered voters of the conservation district. Section 5.5 of this bill provides that the required election may be conducted at a mass meeting of electors held in a public meeting place within the conservation district. Under section 6 of this bill, the fee may not be increased, decreased or eliminated except according to the same procedures for imposing the fee. Under section 4, money collected from the imposition of the fee may be used only for the purposes of a conservation district prescribed in chapter 548 of NRS.

Sections 8 and 9 of this bill add the Forest Service of the United States Department of Agriculture and the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior to the definitions of "United States" and "agencies of the United States" for the purposes of provisions regarding cooperation between conservation districts and those agencies of the United States.

In section 10 of this bill, the Legislature recognizes the importance of locally led efforts for the conservation of natural resources and pledges to strive to provide appropriations to conservation districts at levels comparable to the appropriations provided to similar districts in other western states.

Existing law authorizes the creation of weed control districts, which are governed by a board of directors appointed by the applicable board of county commissioners. (NRS 555.203, 555.207) Section 15 of this bill authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve, ex officio, as the directors of a weed control district that lies entirely within the conservation district. The supervisors must ensure that the money of the weed control district is expended only for the purposes of the statutory provisions relating to weed control districts.

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

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as ~~coordinating~~ cooperating agencies for the purpose of the National Environmental Policy Act of 1969,*

42 U.S.C. §§ 4321 et seq., and any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management.

Sec. 3. As used in sections 3 to 7, inclusive, of this act, "parcel" has the meaning ascribed to it in NRS 361A.065.

Sec. 4. 1. Subject to the provisions of ~~section~~ sections 5 and 5.5 of this act, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to section 5 of this act ~~or the approval of a majority of the electors of the conservation district voting on the question at an election conducted at a mass meeting of electors pursuant to section 5.5 of this act:~~

(a) If a conservation district ~~embodies~~ includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district; and

(b) If a conservation district ~~embodies~~ includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of this chapter.

Sec. 5. 1. A board of county commissioners shall submit to the voters a question of whether to impose a fee described in section 4 of this act upon receipt of a petition requesting the election and prescribing the amount of the proposed fee. The petition must be signed by a majority of the supervisors of the conservation district or not less than 10 percent of the registered voters of the conservation district. The board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question.

2. If a conservation district includes land lying in more than one county, the petition described in ~~this~~ subsection 1 must be submitted to the board of county commissioners of each such county and each respective board of county commissioners shall submit the question to the registered voters of the conservation district who live in the county.

~~2.2.~~ Each respective board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question. The county clerks of the respective counties shall confer and

delegate to the county clerk, or the county clerk's designee, of the county having the greatest number of qualified electors of the conservation district the duty of carrying out the provisions of this section and shall reimburse that county on a pro rata basis for their respective counties' shares of the expenses of conducting the election.

3. Notice of an election or elections on the question of whether to impose a fee described in section 4 of this act must be ~~published~~ :

(a) Published at least once each week for 4 weeks before the date of the election in a newspaper of general circulation in the county or counties in which the election or elections are to be held ~~f. The notice must be published at least once each week for~~ ; and

(b) Posted continuously on the Internet website of the county or counties beginning not less than 30 days before the date of the election.

~~f3.f~~ 4. At the election, the ballot must contain the words "Shall a fee of not more than \$ _____ per parcel be approved for the conservation district?" or words equivalent thereto.

~~f4.f~~ 5. If a majority of the registered voters of the conservation district voting on the question approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election or elections.

Sec. 5.5. 1. In lieu of conducting the election required by section 4 of this act at a primary, general or special election pursuant to section 5 of this act, the board or boards of county commissioners, as applicable, may direct that the election be conducted at a mass meeting of electors held in a centrally located public meeting place within the conservation district. Except as otherwise provided in this section, the provisions of section 5 of this act govern the conduct of an election at a mass meeting.

2. If the election is conducted at a mass meeting:

(a) The chair of the district supervisors shall preside at the meeting and the secretary of the district shall keep a record of transactions at the meeting.

(b) Voting must be by secret ballot.

(c) At the close of polling, the sealed ballot boxes must be delivered unopened to the county clerk or the county clerk's designee, who shall appoint three electors to act, without pay, as judges and tellers to open the boxes and count the votes.

3. If a majority of the electors of the conservation district voting on the question at a mass meeting approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election.

Sec. 6. A fee imposed pursuant to sections 4, ~~and~~ 5 and 5.5 of this act, as applicable, may not be increased, decreased or eliminated except according to the same procedures prescribed in sections 4, ~~and~~ 5 and 5.5 of this act, as applicable, for imposing the fee.

Sec. 7. A board of county commissioners may appropriate money from the county general fund to a conservation district for the purpose of providing programs for renewable natural resources regardless of whether a

fee is imposed pursuant to sections 4, ~~land~~ 5 and 5.5 of this act ~~4~~, as applicable.

Sec. 8. NRS 548.020 is hereby amended to read as follows:

548.020 "Agencies of the United States" includes the United States of America, the ~~Soil~~ *Natural Resources Conservation Service and the Forest Service of the United States Department of Agriculture, the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior*, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9. NRS 548.090 is hereby amended to read as follows:

548.090 "United States" includes the United States of America, the ~~Soil~~ *Natural Resources Conservation Service and the Forest Service of the United States Department of Agriculture, the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior*, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 10. NRS 548.105 is hereby amended to read as follows:

548.105 1. It is hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

2. *Recognizing the importance of locally led efforts for the conservation of renewable natural resources, the Legislature will strive to provide appropriations to conservation districts at a level comparable to the appropriations provided to similar districts in other western states.*

Sec. 11. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

- (a) The topography of the area considered and of the State.
- (b) The composition of soils therein.
- (c) The distribution of erosion.
- (d) The prevailing land use practices.
- (e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive [---], *and section 2 of this act.*

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 12. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive [---], *and section 2 of this act.*

Sec. 13. NRS 548.430 is hereby amended to read as follows:

548.430 The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation.

3. Specifications of cropping programs and tillage practices to be observed.

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

5. Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.110, inclusive ~~[]~~, and *section 2 of this act*.

Sec. 14. NRS 548.535 is hereby amended to read as follows:

548.535 1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.

2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.

3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall record such determination and shall certify such determination to the supervisors of the district.

4. In making such determination the Commission shall give due regard and weight to:

- (a) The attitudes of the occupiers of lands lying within the district.
- (b) The number of eligible registered voters who voted in the referendum.
- (c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.
- (d) The approximate wealth and income of the land occupiers of the district.
- (e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in NRS 548.095 to 548.110, inclusive ~~[]~~, and section 2 of this act.

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.*

2. *An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.*

3. *The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of this section and NRS 555.202 to 555.220, inclusive.*

Sec. 16. NRS 555.205 is hereby amended to read as follows:

555.205 *Except as otherwise provided in section 15 of this act:*

1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three or five persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.

Sec. 17. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, *and section 15 of this act*, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, *and section 15 of this act* is guilty of a misdemeanor.

Sec. 18. This act becomes effective on July 1, 2015.

Amendment No. 672.

SUMMARY—Amends provisions relating to certain local districts. (BDR 49-826)

AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon the approval of registered voters ~~; for electors;~~ authorizing the increase, decrease or elimination of the fee upon such approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a conservation district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a conservation district may be organized as a political subdivision of the State, with various powers and duties regarding the conservation of natural resources within the district. (Chapter 548 of NRS)

In section 2 of this bill, the Legislature declares that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes the districts suited to serve as cooperating agencies for the purposes of the federal National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and to provide local government coordination for

the purposes of the Federal Land Policy and Management Act of 1976. (43 U.S.C. §§ 1701 et seq.)

Section 4 of this bill requires a board of county commissioners to impose an annual fee, not to exceed \$25, on each parcel in a conservation district, if the imposition of the fee is approved at an election. Under section 5 of this bill, a board of county commissioners must submit to the voters the question of whether to impose the fee upon receipt of a petition signed by either a majority of the supervisors of the conservation district or at least 10 percent of the registered voters of the conservation district. Section 5.5 of this bill provides that the required election may be conducted ~~[at a mass meeting of electors held in a public meeting place within the conservation district.]~~ by mail. Under section 6 of this bill, the fee may not be increased, decreased or eliminated except according to the same procedures for imposing the fee. Under section 4, money collected from the imposition of the fee may be used only for the purposes of a conservation district prescribed in chapter 548 of NRS.

Sections 8 and 9 of this bill add the Forest Service of the United States Department of Agriculture and the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior to the definitions of "United States" and "agencies of the United States" for the purposes of provisions regarding cooperation between conservation districts and those agencies of the United States.

In section 10 of this bill, the Legislature recognizes the importance of locally led efforts for the conservation of natural resources and pledges to strive to provide appropriations to conservation districts at levels comparable to the appropriations provided to similar districts in other western states.

Existing law authorizes the creation of weed control districts, which are governed by a board of directors appointed by the applicable board of county commissioners. (NRS 555.203, 555.207) Section 15 of this bill authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve, ex officio, as the directors of a weed control district that lies entirely within the conservation district. The supervisors must ensure that the money of the weed control district is expended only for the purposes of the statutory provisions relating to weed control districts.

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

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as cooperating agencies for the purpose of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., and*

any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management.

Sec. 3. As used in sections 3 to 7, inclusive, of this act, "parcel" has the meaning ascribed to it in NRS 361A.065.

Sec. 4. 1. Subject to the provisions of sections 5 and 5.5 of this act, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to section 5 of this act or ~~the approval of a majority of the electors of the conservation district voting on the question at an election conducted at a mass meeting of electors~~ at an election conducted by mail pursuant to section 5.5 of this act:

(a) If a conservation district includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district; and

(b) If a conservation district includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of this chapter.

Sec. 5. 1. A board of county commissioners shall submit to the voters a question of whether to impose a fee described in section 4 of this act upon receipt of a petition requesting the election and prescribing the amount of the proposed fee. The petition must be signed by a majority of the supervisors of the conservation district or not less than 10 percent of the registered voters of the conservation district. The board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question.

2. If a conservation district includes land lying in more than one county, the petition described in subsection 1 must be submitted to the board of county commissioners of each such county and each respective board of county commissioners shall submit the question to the registered voters of the conservation district who live in the county. Each respective board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question. The county clerks of the respective counties shall confer and delegate to the county clerk, or the county clerk's designee, of the county having the greatest number of qualified

electors of the conservation district the duty of carrying out the provisions of this section and shall reimburse that county on a pro rata basis for their respective counties' shares of the expenses of conducting the election.

3. Notice of an election or elections on the question of whether to impose a fee described in section 4 of this act must be:

(a) Published at least once each week for 4 weeks before the date of the election in a newspaper of general circulation in the county or counties in which the election or elections are to be held; and

(b) Posted continuously on the Internet website of the county or counties beginning not less than 30 days before the date of the election.

4. At the election, the ballot must contain the words "Shall a fee of not more than \$_____ per parcel be approved for the conservation district?" or words equivalent thereto.

5. If a majority of the registered voters of the conservation district voting on the question approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election or elections.

Sec. 5.5. 1. In lieu of conducting the election required by section 4 of this act at a primary, general or special election pursuant to section 5 of this act, the board or boards of county commissioners, as applicable, may direct that the election be conducted ~~at a mass meeting of electors held in a centrally located public meeting place within the conservation district.~~ by mail in accordance with this section. Except as otherwise provided in this section, the provisions of section 5 of this act govern ~~the conduct of~~ an election ~~at a mass meeting.~~ conducted pursuant to this section.

2. If the election is conducted ~~at a mass meeting.~~ by mail:

(a) ~~The chair of the district supervisors shall preside at the meeting and the secretary of the district shall keep a record of transactions at the meeting.~~ board or boards of county commissioners, as applicable, shall establish the date by which marked mailing ballots must be mailed by voters to the county clerk or the county clerk's designee pursuant to paragraph (c). That date is the date of the election for the purposes of subsection 3 of section 5 of this act.

(b) ~~Voting must be by secret ballot.~~ On or after the first date of publication or posting, whichever occurs first, of the notice required by subsection 3 of section 5 of this act, but not later than 5 business days after that date, the county clerk or the county clerk's designee shall cause to be mailed to each registered voter in the conservation district:

(1) An official mailing ballot;

(2) A return envelope; and

(3) Instructions regarding the manner of marking and returning the ballot. The instructions must set forth the date established pursuant to paragraph (a) by which the ballot must be mailed by the voter to the county clerk or the county clerk's designee.

(c) Upon receipt of a mailing ballot, the registered voter must, in accordance with the instructions, mark and fold the ballot, deposit and seal

the ballot in the return envelope, affix his or her signature on the back of the envelope and mail the envelope to the county clerk or the county clerk's designee. The ballot shall be deemed timely mailed if the envelope is postmarked not later than 3 business days after the date established pursuant to paragraph (a) by which the ballot must be mailed.

(d) At the close of polling, the ~~sealed ballot boxes must be delivered unopened to the~~ county clerk or the county clerk's designee ~~f, who,~~ shall appoint three electors who are not supervisors of the conservation district to act, without pay, as judges and tellers to open the ~~boxes~~ envelopes and count the votes.

3. If a majority of the electors of the conservation district voting on the question at ~~at a mass meeting~~ an election conducted pursuant to this section approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election.

Sec. 6. A fee imposed pursuant to sections 4, 5 and 5.5 of this act, as applicable, may not be increased, decreased or eliminated except according to the same procedures prescribed in sections 4, 5 and 5.5 of this act, as applicable, for imposing the fee.

Sec. 7. A board of county commissioners may appropriate money from the county general fund to a conservation district for the purpose of providing programs for renewable natural resources regardless of whether a fee is imposed pursuant to sections 4, 5 and 5.5 of this act, as applicable.

Sec. 8. NRS 548.020 is hereby amended to read as follows:

548.020 "Agencies of the United States" includes the United States of America, the ~~Soil~~ Natural Resources Conservation Service and the Forest Service of the United States Department of Agriculture, the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9. NRS 548.090 is hereby amended to read as follows:

548.090 "United States" includes the United States of America, the ~~Soil~~ Natural Resources Conservation Service and the Forest Service of the United States Department of Agriculture, the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 10. NRS 548.105 is hereby amended to read as follows:

548.105 1. It is hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

2. Recognizing the importance of locally led efforts for the conservation of renewable natural resources, the Legislature will strive to provide

appropriations to conservation districts at a level comparable to the appropriations provided to similar districts in other western states.

Sec. 11. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

- (a) The topography of the area considered and of the State.
- (b) The composition of soils therein.
- (c) The distribution of erosion.
- (d) The prevailing land use practices.
- (e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.
- (f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.
- (g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~and~~, *and section 2 of this act.*

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 12. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~[]~~, and *section 2 of this act*.

Sec. 13. NRS 548.430 is hereby amended to read as follows:

548.430 The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation.

3. Specifications of cropping programs and tillage practices to be observed.

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

5. Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.110, inclusive ~~[]~~, and *section 2 of this act*.

Sec. 14. NRS 548.535 is hereby amended to read as follows:

548.535 1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.

2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively

practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.

3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall record such determination and shall certify such determination to the supervisors of the district.

4. In making such determination the Commission shall give due regard and weight to:

- (a) The attitudes of the occupiers of lands lying within the district.
- (b) The number of eligible registered voters who voted in the referendum.
- (c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.
- (d) The approximate wealth and income of the land occupiers of the district.
- (e) The probable expense of carrying on erosion-control operations within such district.
- (f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in NRS 548.095 to 548.110, inclusive ~~[]~~, and section 2 of this act.

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.*

2. *An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.*

3. *The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an*

assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of this section and NRS 555.202 to 555.220, inclusive.

Sec. 16. NRS 555.205 is hereby amended to read as follows:

555.205 *Except as otherwise provided in section 15 of this act:*

1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three or five persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.

Sec. 17. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, *and section 15 of this act*, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, *and section 15 of this act* is guilty of a misdemeanor.

Sec. 18. This act becomes effective on July 1, 2015.

Senator Gustavson moved that the Senate concur in Assembly Amendments Nos. 656, 672 to Senate Bill No. 476.

Remarks by Senator Gustavson.

Amendment No. 656 changes the term "coordinating" to "cooperating" to track federal terminology. Amendment No. 672 adds the option for the election, required by the bill, to be conducted by mail-in ballots.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 7.

The following Assembly amendment was read.

Amendment No. 837.

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities, ~~and programs.~~ (BDR 39-64)

AN ACT relating to mental health; ~~expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court ordered admission of such a person to certain facilities or programs;~~ expanding the list of persons authorized to complete certain certificates concerning the mental condition of another ~~to~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law defines "person with mental illness" as a person whose capacity to exercise self control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) Section 1.5 of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.]~~

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if ~~[not admitted to certain facilities or programs.]~~ allowed his or her liberty. (NRS 433A.170 ~~[, 433A. 200])~~) Section 1.7 of this bill also authorizes a physician to complete the certificate regardless of whether a psychiatrist or psychologist is available. If a person is in an emergency room of a hospital, section 1.7 also authorizes a physician assistant under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience and an advanced practice registered nurse with certain psychiatric training and experience to examine such a person and complete such a certificate after conducting the examination. Existing law

further requires a psychiatrist, psychologist or physician to examine the person before the person is admitted to a mental health facility or hospital on an emergency basis and a psychiatrist to approve each such admission. (NRS 433A.160) These requirements remain.

Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) Sections ~~1.7,~~ 2 ~~and 3~~ of this bill also authorize any physician, a psychiatrist, a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience ~~or~~ an advanced practice registered nurse with certain psychiatric training and experience ~~for an accredited agent of the Department of Health and Human Services~~ to examine a person alleged to be a person with mental illness in a hospital emergency room and complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person.

Sections 4.2 and 4.7 of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete ~~such~~ a certificate ~~stating whether a person examined in a hospital emergency room has a mental illness that makes it likely that he or she would harm himself or herself or others if allowed his or her liberty.~~

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with mental illness. (NRS 433A.197) Section 3 also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

~~[Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community based or outpatient services. (NRS 433A.200) Section 4 further authorizes a physician assistant to file such a petition.]~~

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

Section 1. ~~[NRS 433A.145 is hereby amended to read as follows:~~

~~433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist, [or] physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department pursuant to NRS 433A.170.~~

~~2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.~~

~~3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.] (Deleted by amendment.)~~

Sec. 1.5. ~~[NRS 433A.160 is hereby amended to read as follows:~~

~~433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:~~

~~(a) Without a warrant:~~

~~(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and~~

~~(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:~~

~~(I) A local law enforcement agency;~~

~~(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;~~

~~(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or~~

~~(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,~~

~~only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe~~

~~that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.~~

~~— (b) Apply to a district court for an order requiring:~~

~~— (1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and~~

~~— (2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.~~

~~— The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.~~

~~— 2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.~~

~~— 3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.~~

~~— 4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.~~

~~— 5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.] (Deleted by amendment.)~~

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 1. Except as otherwise provided in ~~[this section.]~~ subsection 2, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist, ~~[or a]~~ licensed psychologist ~~[, a] or physician, [a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric~~

~~training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department]~~ stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]~~

2. A physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or any person authorized to conduct an examination and complete a certificate pursuant to subsection 1 may conduct the examination and complete the certificate required pursuant to subsection 1 for a person who is in the emergency room of a hospital.

3. The certificate required by this section may be obtained from a psychiatrist, licensed psychologist, ~~{or}~~ physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 ~~[A]~~

1. Except as otherwise provided in this section, a licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital ~~[, a physician assistant under the supervision of a psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department]~~ stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

2. A psychiatrist, a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience

prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the examination and complete the certificate required pursuant to subsection 1 for a person who is in the emergency room of a hospital.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist, ~~for~~ physician, *physician assistant, clinical social worker* ~~for~~ or advanced practice registered nurse ~~for accredited agent of the Department~~ who is related by blood or marriage within the ~~first~~ *second* degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ~~for~~, *physician assistant, psychologist, clinical social worker* ~~for~~ or advanced practice registered nurse ~~for accredited agent of the Department~~. The certificate authorized pursuant to NRS 433A.195 must ~~set forth~~ *describe* in detail the facts and reasons on which the examining physician, *physician assistant, psychologist, clinical social worker* ~~for~~ or advanced practice registered nurse ~~for accredited agent of the Department~~ based his or her opinions and conclusions.

Sec. 4. ~~NRS 433A.200 is hereby amended to read as follows:~~

~~433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, physician assistant, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:~~

~~(a) By a certificate of a physician, [psychiatrist or], a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience~~

~~prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or~~

~~— (b) By a sworn written statement by the petitioner that:~~

~~— (1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and~~

~~— (2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.~~

~~2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.] (Deleted by amendment.)~~

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

~~(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170 ~~f, f~~ and 433A.195 ~~and~~ 433A.200.]~~

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

↪ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~[such]~~ :

1. *Such* regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~[]~~ ; and

2. *Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170 ~~[]~~ and 433A.195 ~~[]~~ and 433A.200.*

Sec. 5. This act becomes effective upon passage and approval.

Senator Hardy moved that the Senate do not concur in Assembly Amendment No. 837 to Senate Bill No. 7.

Remarks by Senator Hardy.

By not concurring in this amendment, we open the potential for a Conference Committee that would allow us to do more with less.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53.

The following Assembly amendment was read.

Amendment No. 904.

SUMMARY—Revises provisions relating to ~~petitions for writs of habeas corpus~~ criminal procedure. (BDR 3-156)

AN ACT relating to criminal procedure; requiring an incarcerated person to exhaust all available administrative remedies before filing a postconviction petition for a writ of habeas corpus challenging the computation of time the person has served pursuant to a judgment of conviction; revising provisions concerning the withdrawal of certain pleas after sentence is imposed or imposition of sentence is suspended; requiring a court to dismiss ~~such~~ a postconviction petition for a writ of habeas corpus upon determining that the petitioner has not exhausted all available administrative remedies; requiring the Department of Corrections to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person convicted of a crime and under sentence of death or imprisonment who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed to file a postconviction petition for a writ of habeas corpus to challenge the computation of time that the person has served. (NRS 34.724) Section 1 of this bill requires a person to exhaust all administrative remedies available for resolving a challenge to the computation of time that he or she has served as set forth in regulations adopted by the Department of Corrections before the person may file such a petition. Section 2 of this bill requires a court to dismiss such a petition if the court determines that the petitioner has not exhausted all available administrative remedies. Section 2.5 of this bill requires the Department to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department. Section 3 of this bill provides that the amendatory provisions of this bill do not apply to a postconviction petition for a writ of habeas corpus which challenges the computation of time that a petitioner has served that is filed on or before the effective date of this bill.

Existing law also authorizes a person convicted of a crime and under sentence of death or imprisonment to file a postconviction petition for a writ of habeas corpus to challenge the conviction or sentence as having been obtained or imposed in violation of state law or a constitutional right. Existing law provides that, with the exception of a direct appeal or a remedy which is incident to the proceedings in the trial court, the petition for a writ of habeas corpus replaces all other common law, statutory or other remedies which have been available for challenging the validity of the conviction or

sentence and must be used exclusively in place of them. (NRS 34.724)
Existing law also authorizes a criminal defendant to withdraw a plea of
guilty, guilty but mentally ill or nolo contendere at any time before
sentencing, and also permits the withdrawal of such a plea after sentencing,
but only to correct a manifest injustice. (NRS 176.165)

In 2000, the Nevada Supreme Court held that a postconviction motion to
withdraw a guilty plea to correct a manifest injustice was a remedy incident
to the proceedings in the trial court. Accordingly, the motion had not been
replaced by the petition for a writ of habeas corpus and was not subject to the
various procedural requirements that govern such petitions. (Hart v. State,
116 Nev. 558 (2000)) The Nevada Supreme Court recently overruled Hart.
The Court held that a postconviction petition for a writ of habeas corpus
provides the exclusive remedy for a challenge to the validity of a guilty plea
made after sentencing for persons in custody on the conviction being
challenged and overruled Hart to the extent that it concluded otherwise.
(Harris v. State, 130 Nev. Adv. Op. 47, 329 P.3d 619 (2014))

Section 1 expressly provides that a motion to withdraw a plea of guilty,
guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is
made after sentence is imposed or imposition of sentence is suspended is a
remedy which is incident to the proceedings in the trial court.

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

Section 1. NRS 34.724 is hereby amended to read as follows:

34.724 1. ~~[Any]~~ *Except as otherwise provided in subsection 3, any*
 person convicted of a crime and under sentence of death or imprisonment
 who claims that the conviction was obtained, or that the sentence was
 imposed, in violation of the Constitution of the United States or the
 Constitution or laws of this State, or who claims that the time the person has
 served pursuant to the judgment of conviction has been improperly
 computed, may, without paying a filing fee, file a postconviction petition for
 a writ of habeas corpus to obtain relief from the conviction or sentence or to
 challenge the computation of time that the person has served.

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are
 incident to the proceedings in the trial court or the remedy of direct review of
 the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory
 or other remedies which have been available for challenging the validity of
 the conviction or sentence, and must be used exclusively in place of them.

~~[(c) Is the only remedy available to an incarcerated person to challenge]~~

3. *Before a person may file a petition pursuant to this section that*
challenges the computation of time that the person has served pursuant to a
judgment of conviction ~~[-]~~ *, the person must exhaust all administrative*
remedies available for resolving a challenge to the computation of time that

the person has served as set forth in regulations adopted by the Department of Corrections.

4. For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court.

Sec. 2. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's conviction and sentence,

→ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

→ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same conviction or sentence.

4. *The court shall dismiss a petition that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction if the court determines that the petitioner has not exhausted all administrative remedies available for resolving a challenge to the computation of time which the petitioner has served as required pursuant to subsection 3 of NRS 34.724.*

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 2.5. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall adopt regulations to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department.

Sec. 2.7. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, *and section 2.5 of this act*, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. 1. The amendatory provisions of this act do not apply to a postconviction petition for a writ of habeas corpus that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction that is filed on or before the effective date of this act.

2. The amendatory provisions of subsection 4 of section 1 of this act apply to any motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended that is pending on or after June 12, 2014.

Sec. 4. This act becomes effective upon passage and approval.

Senator Brower moved that the Senate do not concur in Assembly Amendment No. 904 to Senate Bill No. 53.

Remarks by Senator Brower.

This amendment seems to include another bill that was added by the Assembly. The Senate Judiciary Committee, or some subset thereof, we need to fully digest this before we can make a final decision.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 376.

The following Assembly amendment was read.

Amendment No. 810.

SUMMARY-Revises provisions relating to motor carriers. (BDR 58-632)

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 ~~of~~, 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 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. ~~[A]~~ *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. ~~{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.

Senator Hammond moved that the Senate do not concur in Assembly Amendment No. 810 to Senate Bill No. 376.

Remarks by Senator Hammond.

Amendment No. 810 to Senate Bill No. 376 changes the effective date of the bill from October 1, 2015, to January 1, 2016.

Motion carried.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 76, 114, 134, 154, 175, 183, 206, 229, 264, 286, 294, 314, 329, 388, 393, 405, 409, 443, 445, 446, 453, 464, 471, 472, 484, 490, 499; Senate Joint Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Yun Yamada, Consulate General of Japan, San Francisco Office and Satoshi Higo.

Senator Roberson moved that the Senate adjourn until Wednesday, May 27, 2015, at 10:30 a.m.

Motion carried.

Senate adjourned at 1:39 p.m.

Approved:

MARK A. HUTCHISON

President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate