

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 1, 3, 9-13, 15, 16, 19, 25)

EXEMPT

(Reprinted with amendments adopted on May 28, 2019)

SECOND REPRINT

A.B. 319

ASSEMBLY BILL NO. 319—ASSEMBLYMEN TOLLES, YEAGER,
ROBERTS; HANSEN, HARDY, KRAMER, LEAVITT AND MCCURDY

MARCH 18, 2019

JOINT SPONSORS: SENATORS KIECKHEFER,
DENIS, SEEVERS GANSERT; AND BROOKS

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing professional licensing.
(BDR 54-314)

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

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

AN ACT relating to professional licensing; authorizing a person to petition a professional or occupational licensing board for a determination of whether the person's criminal history will disqualify him or her from obtaining a license; requiring a professional or occupational licensing board to implement a process for such a petition; establishing certain requirements for such process; requiring a professional or occupational licensing board to make a quarterly report to the Legislative Counsel Bureau with certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law allows a person to apply for various professional and occupational
- 2 licenses if a person meets the requirements established in statute and by the
- 3 professional or occupational licensing board which grants the license. (Title 54 of
- 4 NRS; Chapters 1, 7, 90, 232B, 240A, 244, 289, 361, 379, 394, 433, 435, 445B,
- 5 453A, 455C, 457, 477, 482, 487, 489, 490, 502-505, 534, 544, 555, 557, 576, 581,
- 6 582, 584, 587, 599A, 599B, 618 and 706 of NRS, NRS 391.060, 458.0255,
- 7 458.0256) Existing law requires certain boards to submit a quarterly report to the
- 8 Director of the Legislative Counsel Bureau containing certain information. (NRS
- 9 622.100) **Section 1** of this bill requires a regulatory body to develop and implement



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a process by which a person can petition the regulatory body for a determination of whether the person's criminal history will disqualify the person from obtaining a license from the regulatory body. **Section 1** requires the regulatory body to inform the person of the regulatory body's determination within 90 days after the petition is submitted and allows the regulatory body to rescind the determination at any time. **Section 1** authorizes a regulatory body to provide instructions to a person who receives a determination of disqualification to remedy the determination and resubmit his or her petition after remedying the determination. **Section 1** authorizes a person to petition the regulatory body at any time, including before obtaining any education necessary to obtain a license. **Section 1** authorizes the regulatory body to charge a fee of up to \$50 for the costs of considering a petition. **Section 1** authorizes a regulatory body to post information on its Internet website concerning the requirements for obtaining a license and a list of crimes that would disqualify a person for a license. **Section 1** also authorizes a regulatory body to request the criminal history record of a person who petitions the regulatory body for a determination of disqualification or qualification. **Section 1** prohibits a person who petitions a regulatory body from submitting false or misleading information to the regulatory body. **Section 2** of this bill requires a regulatory body to include certain information concerning the determinations of qualification or disqualification in its quarterly report to the Director of the Legislative Counsel Bureau. **Sections 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76** of this bill replicate the requirements of **section 1** for other professional or occupational licensing boards, in addition to requiring the respective professional or occupational licensing board to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information.

Existing law establishes the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Existing law requires the Sunset Subcommittee to conduct reviews of the professional and occupational licensing boards in this State and make recommendations on the continued existence or efficiency of the board. (NRS 232B.220, 232B.250) **Section 6** of this bill requires the Sunset Subcommittee to conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate. **Section 8** of this bill requires the Sunset Subcommittee to include in any recommendation made on the appropriateness of a restriction on the criminal history of an applicant suggestions for legislative action.

Sections 7, 14, 17, 18, 20-24, 27, 30, 31, 37, 46, 52, 54-56, 58-62, 64-66, 71 and 77-85 of this bill make conforming changes.

WHEREAS, The right of a natural person to pursue an occupation or profession is a fundamental right; and

WHEREAS, Regulations of occupations and professions shall be construed and applied to increase economic opportunities, promote competition and encourage innovation; and

WHEREAS, Where the State of Nevada finds it is necessary to displace competition, it will use the least restrictive regulation necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety; and

WHEREAS, A regulation of an occupation or profession may be enforced against a natural person only to the extent the natural person sells goods or provides services that are explicitly included



in the statute that defines the scope of practice of the occupation;
and

WHEREAS, The fundamental right of a natural person to pursue an occupation includes the right of a natural person with a criminal history to obtain an occupational or professional license; now, therefore,

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in chapters 624 and 648 of NRS, a regulatory body shall develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license from the regulatory body.

2. Not later than 90 days after a petition is submitted to a regulatory body pursuant to subsection 1, a regulatory body shall inform the person of the determination of the regulatory body of whether the person's criminal history will disqualify the person from obtaining a license. A regulatory body is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. A regulatory body may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.

5. A person may submit a new petition to the regulatory body not earlier than 2 years after the final determination of the initial petition submitted to the regulatory body.

6. A regulatory body may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. A regulatory body may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A regulatory body may post on its Internet website:



(a) *The requirements to obtain a license from the regulatory body; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the regulatory body.*

8. *A regulatory body may request the criminal history record of a person who petitions the regulatory body for a determination pursuant to subsection 1. To the extent consistent with federal law, if the regulatory body makes such a request of a person, the regulatory body shall require the person to submit his or her criminal history record which includes a report from:*

(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions a regulatory body for a determination pursuant to subsection 1 shall not submit false or misleading information to the regulatory body.*

Sec. 2. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) For the immediately preceding calendar quarter:

(I) The number of licenses issued by the regulatory body;

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; ~~and~~

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; ~~and~~

(VII) *The number of petitions submitted to the regulatory body pursuant to section 1 of this act;*

(VIII) *The number of determinations of disqualification made by the regulatory body pursuant to section 1 of this act; and*

(IX) *The reasons for such determinations; and*



(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce, Labor and Energy and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 3. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Court Administrator shall develop and implement a process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before



obtaining any education or paying any fee required to obtain a certificate or registration.

5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.

6. The Court Administrator may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Court Administrator may post on its Internet website:

(a) The requirements to obtain a certification or registration as a court interpreter; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.

8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.

10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.



1 **Sec. 4.** (Deleted by amendment.)

2 **Sec. 5.** (Deleted by amendment.)

3 **Sec. 6.** Chapter 232B of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 **1. The Sunset Subcommittee of the Legislative Commission**
6 **shall conduct a review of each professional or occupational**
7 **licensing board and regulatory body in this State to determine**
8 **whether the restrictions on the criminal history of an applicant for**
9 **an occupational or professional license are appropriate.**

10 **2. Each professional or occupational licensing board and**
11 **regulatory body subject to review pursuant to subsection 1 must**
12 **submit information to the Sunset Subcommittee on a form**
13 **prescribed by the Sunset Subcommittee. The information must**
14 **include, without limitation:**

15 **(a) The number of petitions submitted to a professional or**
16 **occupational licensing board and regulatory body pursuant to**
17 **sections 1, 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-**
18 **51, 53, 57, 63, 67-70 and 72-76 of this act;**

19 **(b) The number of determinations of disqualification made by**
20 **the professional or occupational licensing board and regulatory**
21 **body pursuant to sections 1, 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32,**
22 **36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act; and**

23 **(c) The reasons for such determinations of disqualification.**

24 **3. As used in this section, "regulatory body" has the meaning**
25 **ascribed to it in NRS 622.060.**

26 **Sec. 7.** NRS 232B.220 is hereby amended to read as follows:

27 232B.220 1. The Sunset Subcommittee of the Legislative
28 Commission shall conduct a review of each board and commission
29 in this State which is not provided for in the Nevada Constitution or
30 established by an executive order of the Governor to determine
31 whether the board or commission should be terminated, modified,
32 consolidated with another board or commission or continued. Such a
33 review must include, without limitation:

34 **(a) An evaluation of the major policies and programs of the**
35 **board or commission, including, without limitation, an examination**
36 **of other programs or services offered in this State to determine if**
37 **any other provided programs or services duplicate those offered by**
38 **the board or commission;**

39 **(b) Any recommendations for improvements in the policies and**
40 **programs offered by the board or commission; and**

41 **(c) A determination of whether any statutory tax exemptions,**
42 **abatements or money set aside to be provided to the board or**
43 **commission should be terminated, modified or continued.**



2. The Sunset Subcommittee shall review not less than 10 boards and commissions specified in subsection 1 each legislative interim.

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, *and section 6 of this act* is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 8. NRS 232B.250 is hereby amended to read as follows:

232B.250 1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. *If the Sunset Subcommittee determines to recommend the modification, continuation or removal of the restrictions on the criminal history of an applicant for an occupational or professional license, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by any modification, continuation or removal of such restrictions.*

4. On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

Sec. 9. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Secretary of State shall develop and implement a process by which a person with a criminal history may petition the Secretary of State to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 240A.100.*

2. *Not later than 90 days after a petition is submitted to the Secretary of State pursuant to subsection 1, the Secretary of State shall inform the person of the determination of the Secretary of State of whether the person's criminal history will disqualify the person from obtaining a registration. The Secretary of State is not*



bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Secretary of State may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Secretary of State at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Secretary of State.

5. A person may submit a new petition to the Secretary of State not earlier than 2 years after the final determination of the initial petition submitted to the Secretary of State.

6. The Secretary of State may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Secretary of State may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Secretary of State may post on its Internet website:
(a) The requirements to obtain a registration pursuant to NRS 240A.100 from the Secretary of State; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Secretary of State.

8. The Secretary of State may request the criminal history record of a person who petitions the Secretary of State for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Secretary of State makes such a request of a person, the Secretary of State shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Secretary of State for a determination pursuant to subsection 1 shall not submit false or misleading information to the Secretary of State.

10. The Secretary of State shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Secretary of State pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Secretary of State pursuant to subsection 1;



(c) *The reasons for such determinations; and*
(d) *Any other information that is requested by the Director or which the Secretary of State determines would be helpful.*

11. *The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 10. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A board of county commissioners or county license board shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners or county license board to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license.*

2. *Not later than 90 days after a petition is submitted to a board of county commissioners or county license board pursuant to subsection 1, a board of county commissioners or county license board shall inform the person of the determination of the board of county commissioners or county license board of whether the person's criminal history will disqualify the person from obtaining a license. The board of county commissioners or county license board is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.*

3. *A board of county commissioners or county license board may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the board of county commissioners or county license board at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners or county license board.*

5. *A person may submit a new petition to the board of county commissioners or county license board not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners or county license board.*

6. *A board of county commissioners or county license board may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. A board of county commissioners or county license board*



1 may waive such fees or allow such fees to be covered by funds
2 from a scholarship or grant.

3 7. A board of county commissioners or county license board
4 may post on its Internet website:

5 (a) The requirements to obtain a license from the board of
6 county commissioners or county license board, as applicable; and

7 (b) A list of crimes, if any, that would disqualify a person from
8 obtaining a license from a board of county commissioners or
9 county license board.

10 8. A board of county commissioners or county license board
11 may request the criminal history record of a person who petitions
12 the board of county commissioners or county license board for a
13 determination pursuant to subsection 1. To the extent consistent
14 with federal law, if the board of county commissioners or county
15 license board makes such a request of a person, the board of
16 county commissioners or county license board shall require the
17 person to submit his or her criminal history record which includes
18 a report from:

19 (a) The Central Repository for Nevada Records of Criminal
20 History; and

21 (b) The Federal Bureau of Investigation.

22 9. A person who petitions the board of county commissioners
23 or county license board for a determination pursuant to subsection
24 1 shall not submit false or misleading information to the board of
25 county commissioners or county license board.

26 10. A board of county commissioners or county license board
27 shall, on or before the 20th day of January, April, July and
28 October, submit to the Director of the Legislative Counsel Bureau
29 in an electronic format prescribed by the Director, a report that
30 includes:

31 (a) The number of petitions submitted to a board of county
32 commissioners or county license board pursuant to subsection 1;

33 (b) The number of determinations of disqualification made by
34 a board of county commissioners or county license board pursuant
35 to subsection 1;

36 (c) The reasons for such determinations; and

37 (d) Any other information that is requested by the Director or
38 which a board of county commissioners or county license board
39 determines would be helpful.

40 11. The Director shall transmit a compilation of the
41 information received pursuant to subsection 10 to the Legislative
42 Commission quarterly, unless otherwise directed by the
43 Commission.



Sec. 11. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining an appraiser's certificate pursuant to NRS 361.221.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a certificate. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain an appraiser's certificate from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:



(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. *The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Department pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Department pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Department determines would be helpful.*

11. *The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 12. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Library, Archives and Public Records Administrator shall develop and implement a process by which a person with a criminal history may petition the State Library, Archives and Public Records Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certification pursuant to NRS 379.0073.*

2. *Not later than 90 days after a petition is submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1, the State Library, Archives and Public Records Administrator shall inform the person of the determination of the State Library, Archives and Public Records Administrator of whether the person's criminal history will disqualify the person from obtaining a certification. The State Library, Archives and Public Records Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.*

3. *The State Library, Archives and Public Records Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions*



pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Library, Archives and Public Records Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certification from the State Library, Archives and Public Records Administrator.

5. A person may submit a new petition to the State Library, Archives and Public Records Administrator not earlier than 2 years after the final determination of the initial petition submitted to the State Library, Archives and Public Records Administrator.

6. The State Library, Archives and Public Records Administrator may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Library, Archives and Public Records Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Library, Archives and Public Records Administrator may post on its Internet website:

(a) The requirements to obtain a certification from the State Library, Archives and Public Records Administrator; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the State Library, Archives and Public Records Administrator.

8. The State Library, Archives and Public Records Administrator may request the criminal history record of a person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Library, Archives and Public Records Administrator makes such a request of a person, the State Library, Archives and Public Records Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Library, Archives and Public Records Administrator.

10. The State Library, Archives and Public Records Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:



(a) The number of petitions submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Library, Archives and Public Records Administrator determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 13. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to NRS 433.601 to 433.621, inclusive.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or



1 *allow such fees to be covered by funds from a scholarship or*
2 *grant.*

3 7. *The Division may post on its Internet website:*

4 (a) *The requirements to obtain a certification pursuant to NRS*
5 *433.601 to 433.621, inclusive, from the Division; and*

6 (b) *A list of crimes, if any, that would disqualify a person from*
7 *obtaining a certification from the Division.*

8 8. *The Division may request the criminal history record of a*
9 *person who petitions the Division for a determination pursuant to*
10 *subsection 1. To the extent consistent with federal law, if the*
11 *Division makes such a request of a person, the Division shall*
12 *require the person to submit his or her criminal history record*
13 *which includes a report from:*

14 (a) *The Central Repository for Nevada Records of Criminal*
15 *History; and*

16 (b) *The Federal Bureau of Investigation.*

17 9. *A person who petitions the Division for a determination*
18 *pursuant to subsection 1 shall not submit false or misleading*
19 *information to the Division.*

20 10. *The Division shall, on or before the 20th day of January,*
21 *April, July and October, submit to the Director of the Legislative*
22 *Counsel Bureau in an electronic format prescribed by the*
23 *Director, a report that includes:*

24 (a) *The number of petitions submitted to the Division pursuant*
25 *to subsection 1;*

26 (b) *The number of determinations of disqualification made by*
27 *the Division pursuant to subsection 1;*

28 (c) *The reasons for such determinations; and*

29 (d) *Any other information that is requested by the Director or*
30 *which the Division determines would be helpful.*

31 11. *The Director shall transmit a compilation of the*
32 *information received pursuant to subsection 10 to the Legislative*
33 *Commission quarterly, unless otherwise directed by the*
34 *Commission.*

35 **Sec. 14.** *NRS 433.601 is hereby amended to read as follows:*

36 433.601 *As used in NRS 433.601 to 433.621, inclusive, and*
37 *section 13 of this act, unless the context otherwise requires, the*
38 *words and terms defined in NRS 433.603 and 433.605 have the*
39 *meanings ascribed to them in those sections.*

40 **Sec. 15.** *Chapter 435 of NRS is hereby amended by adding*
41 *thereto a new section to read as follows:*

42 1. *The Division shall develop and implement a process by*
43 *which a person with a criminal history may petition the Division to*
44 *review the criminal history of the person to determine if the*



1 *person's criminal history will disqualify the person from obtaining*
2 *a certificate pursuant to this chapter.*

3 2. *Not later than 90 days after a petition is submitted to the*
4 *Division pursuant to subsection 1, the Division shall inform*
5 *the person of the determination of the Division of whether the*
6 *person's criminal history will disqualify the person from obtaining*
7 *a certificate. The Division is not bound by its determination of*
8 *disqualification or qualification and may rescind such a*
9 *determination at any time.*

10 3. *The Division may provide instructions to a person who*
11 *receives a determination of disqualification to remedy the*
12 *determination of disqualification. A person may resubmit a*
13 *petition pursuant to subsection 1 not earlier than 6 months after*
14 *receiving instructions pursuant to this subsection if the person*
15 *remedies the determination of disqualification.*

16 4. *A person with a criminal history may petition the Division*
17 *at any time, including, without limitation, before obtaining any*
18 *education or paying any fee required to obtain a certificate from*
19 *the Division.*

20 5. *A person may submit a new petition to the Division not*
21 *earlier than 2 years after the final determination of the initial*
22 *petition submitted to the Division.*

23 6. *The Division may impose a fee of up to \$50 upon the*
24 *person to fund the administrative costs in complying with the*
25 *provisions of this section. The Division may waive such fees or*
26 *allow such fees to be covered by funds from a scholarship or*
27 *grant.*

28 7. *The Division may post on its Internet website:*

29 (a) *The requirements to obtain a certificate from the Division;*
30 *and*

31 (b) *A list of crimes, if any, that would disqualify a person from*
32 *obtaining a certificate from the Division.*

33 8. *The Division may request the criminal history record of a*
34 *person who petitions the Division for a determination pursuant to*
35 *subsection 1. To the extent consistent with federal law, if the*
36 *Division makes such a request of a person, the Division shall*
37 *require the person to submit his or her criminal history record*
38 *which includes a report from:*

39 (a) *The Central Repository for Nevada Records of Criminal*
40 *History; and*

41 (b) *The Federal Bureau of Investigation.*

42 9. *A person who petitions the Division for a determination*
43 *pursuant to subsection 1 shall not submit false or misleading*
44 *information to the Division.*



10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 16. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Motor Vehicles shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a qualification to inspect devices for the control of emissions for motor vehicles pursuant to NRS 445B.775.

2. Not later than 90 days after a petition is submitted to the Department of Motor Vehicles pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a qualification. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department of Motor Vehicles may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department of Motor Vehicles at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a qualification from the Department.

5. A person may submit a new petition to the Department of Motor Vehicles not earlier than 2 years after the final determination of the initial petition submitted to the Department.



6. The Department of Motor Vehicles may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department of Motor Vehicles may post on its Internet website:

(a) The requirements to obtain a qualification from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a qualification from the Department.

8. The Department of Motor Vehicles may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department of Motor Vehicles for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department of Motor Vehicles shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 17. NRS 445B.790 is hereby amended to read as follows:
445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized



1 station or fleet station to submit any material or document which is
2 used in the program to control emissions from motor vehicles.

3 2. The Department may deny, suspend or revoke the license of
4 an approved inspector, authorized inspection station, authorized
5 station or fleet station if:

6 (a) The approved inspector or the holder of a license for an
7 authorized inspection station, authorized station or fleet station is
8 not complying with the provisions of NRS 445B.700 to 445B.815,
9 inclusive **H**, *and section 16 of this act*.

10 (b) The holder of a license for an authorized inspection station,
11 authorized station or fleet station refuses to furnish the Department
12 with the requested material or document.

13 (c) The approved inspector has issued a fraudulent certificate of
14 compliance, whether intentionally or negligently. A "fraudulent
15 certificate" includes, but is not limited to:

16 (1) A backdated certificate;

17 (2) A postdated certificate; and

18 (3) A certificate issued without an inspection.

19 (d) The approved inspector does not follow the prescribed test
20 procedure.

21 **Sec. 18.** NRS 445B.845 is hereby amended to read as follows:

22 445B.845 1. A violation of any provision of NRS 445B.700
23 to 445B.845, inclusive, *and section 16 of this act* relating to motor
24 vehicles, or any regulation adopted pursuant thereto relating to
25 motor vehicles, is a misdemeanor. The provisions of NRS 445B.700
26 to 445B.845, inclusive, *and section 16 of this act*, or any regulation
27 adopted pursuant thereto, must be enforced by any peace officer.

28 2. Satisfactory evidence that the motor vehicle or its equipment
29 conforms to those provisions or regulations, when supplied by the
30 owner of the motor vehicle to the Department of Motor Vehicles
31 within 10 days after the issuance of a citation pursuant to subsection
32 1, may be accepted by the court as a complete or partial mitigation
33 of the offense.

34 **Sec. 19.** Chapter 449 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 *1. The Division shall develop and implement a process by*
37 *which a person with a criminal history may petition the Division to*
38 *review the criminal history of the person to determine if the*
39 *person's criminal history will disqualify the person from obtaining*
40 *a certificate to operate an intermediary service organization*
41 *pursuant to NRS 449.431.*

42 *2. Not later than 90 days after a petition is submitted to*
43 *the Division pursuant to subsection 1, the Division shall inform*
44 *the person of the determination of the Division of whether the*
45 *person's criminal history will disqualify the person from obtaining*



1 a certificate. The Division is not bound by its determination of
2 disqualification or qualification and may rescind such a
3 determination at any time.

4 3. The Division may provide instructions to a person who
5 receives a determination of disqualification to remedy the
6 determination of disqualification. A person may resubmit a
7 petition pursuant to subsection 1 not earlier than 6 months after
8 receiving instructions pursuant to this subsection if the person
9 remedies the determination of disqualification.

10 4. A person with a criminal history may petition the Division
11 at any time, including, without limitation, before obtaining any
12 education or paying any fee required to obtain a certificate from
13 the Division.

14 5. A person may submit a new petition to the Division not
15 earlier than 2 years after the final determination of the initial
16 petition submitted to the Division.

17 6. The Division may impose a fee of up to \$50 upon the
18 person to fund the administrative costs in complying with the
19 provisions of this section. The Division may waive such fees or
20 allow such fees to be covered by funds from a scholarship or
21 grant.

22 7. The Division may post on its Internet website:

23 (a) The requirements to obtain a certificate from the Division;
24 and

25 (b) A list of crimes, if any, that would disqualify a person from
26 obtaining a certificate from the Division.

27 8. The Division may request the criminal history record of a
28 person who petitions the Division for a determination pursuant to
29 subsection 1. To the extent consistent with federal law, if the
30 Division makes such a request of a person, the Division shall
31 require the person to submit his or her criminal history record
32 which includes a report from:

33 (a) The Central Repository for Nevada Records of Criminal
34 History; and

35 (b) The Federal Bureau of Investigation.

36 9. A person who petitions the Division for a determination
37 pursuant to subsection 1 shall not submit false or misleading
38 information to the Division.

39 10. The Division shall, on or before the 20th day of January,
40 April, July and October, submit to the Director of the Legislative
41 Counsel Bureau in an electronic format prescribed by the
42 Director, a report that includes:

43 (a) The number of petitions submitted to the Division pursuant
44 to subsection 1;



(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

11. *The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 20. NRS 449.4304 is hereby amended to read as follows:
449.4304 As used in NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act*, unless the context otherwise requires, “intermediary service organization” means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 21. NRS 449.431 is hereby amended to read as follows:
449.431 1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in NRS 449.4304 to 449.4339, inclusive ~~§~~, *and section 19 of this act*.

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 22. NRS 449.4321 is hereby amended to read as follows:
449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act* upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.



Sec. 23. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act**, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act**, or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 24. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the



1 State to enjoin any person from operating or maintaining an
2 intermediary service organization within the meaning of NRS
3 449.4304 to 449.4339, inclusive ~~H~~, *and section 19 of this act:*

4 (a) Without first obtaining a certificate to operate an
5 intermediary service organization; or

6 (b) After the person's certificate has been revoked or suspended
7 by the Division.

8 2. It is sufficient in such action to allege that the defendant did,
9 on a certain date and in a certain place, operate and maintain the
10 intermediary service organization without a certificate.

11 **Sec. 25.** Chapter 450B of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *1. The health authority shall develop and implement a*
14 *process by which a person with a criminal history may petition the*
15 *health authority to review the criminal history of the person to*
16 *determine if the person's criminal history will disqualify the*
17 *person from obtaining a license as an attendant or firefighter or a*
18 *certificate pursuant to NRS 450B.160.*

19 *2. Not later than 90 days after a petition is submitted to the*
20 *health authority pursuant to subsection 1, the health authority*
21 *shall inform the person of the determination of the health*
22 *authority of whether the person's criminal history will disqualify*
23 *the person from obtaining a license or certificate. The health*
24 *authority is not bound by his or her determination of*
25 *disqualification or qualification and may rescind such a*
26 *determination at any time.*

27 *3. The health authority may provide instructions to a person*
28 *who receives a determination of disqualification to remedy the*
29 *determination of disqualification. A person may resubmit a*
30 *petition pursuant to subsection 1 not earlier than 6 months after*
31 *receiving instructions pursuant to this subsection if the person*
32 *remedies the determination of disqualification.*

33 *4. A person with a criminal history may petition the health*
34 *authority at any time, including, without limitation, before*
35 *obtaining any education or paying any fee required to obtain a*
36 *license or certificate from the health authority.*

37 *5. A person may submit a new petition to the health authority*
38 *not earlier than 2 years after the final determination of the initial*
39 *petition submitted to the health authority.*

40 *6. The health authority may impose a fee of up to \$50 upon*
41 *the person to fund the administrative costs in complying with the*
42 *provisions of this section. The health authority may waive such*
43 *fees or allow such fees to be covered by funds from a scholarship*
44 *or grant.*

45 *7. The health authority may post on its Internet website:*



(a) The requirements to obtain a license or certificate from the health authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certificate from the health authority.

8. The health authority may request the criminal history record of a person who petitions the health authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the health authority makes such a request of a person, the health authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the health authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the health authority.

10. The health authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the health authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the health authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the health authority determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 26. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or



1 *medical marijuana establishment registration certificate. The*
2 *Department is not bound by its determination of disqualification*
3 *or qualification and may rescind such a determination at any time.*

4 3. *The Department may provide instructions to a person who*
5 *receives a determination of disqualification to remedy the*
6 *determination of disqualification. A person may resubmit a*
7 *petition pursuant to subsection 1 not earlier than 6 months after*
8 *receiving instructions pursuant to this subsection if the person*
9 *remedies the determination of disqualification.*

10 4. *A person with a criminal history may petition the*
11 *Department at any time, including, without limitation, before*
12 *obtaining any education or paying any fee required to obtain a*
13 *medical marijuana establishment agent registration card or*
14 *medical marijuana establishment registration certificate from the*
15 *Department.*

16 5. *A person may submit a new petition to the Department not*
17 *earlier than 2 years after the final determination of the initial*
18 *petition submitted to the Department.*

19 6. *The Department may impose a fee of up to \$50 upon the*
20 *person to fund the administrative costs in complying with the*
21 *provisions of this section. The Department may waive such fees or*
22 *allow such fees to be covered by funds from a scholarship or*
23 *grant.*

24 7. *The Department may post on its Internet website:*

25 (a) *The requirements to obtain a medical marijuana*
26 *establishment agent registration card and a medical marijuana*
27 *establishment registration certificate from the Department; and*

28 (b) *A list of crimes, if any, that would disqualify a person from*
29 *obtaining a medical marijuana establishment agent registration*
30 *card or a medical marijuana establishment registration certificate*
31 *from the Department.*

32 8. *The Department may request the criminal history record of*
33 *a person who petitions the Department for a determination*
34 *pursuant to subsection 1. To the extent consistent with federal law,*
35 *if the Department makes such a request of a person, the*
36 *Department shall require the person to submit his or her criminal*
37 *history record which includes a report from:*

38 (a) *The Central Repository for Nevada Records of Criminal*
39 *History; and*

40 (b) *The Federal Bureau of Investigation.*

41 9. *A person who petitions the Department for a determination*
42 *pursuant to subsection 1 shall not submit false or misleading*
43 *information to the Department.*

44 10. *The Department shall, on or before the 20th day of*
45 *January, April, July and October, submit to the Director of the*



Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 27. NRS 453A.344 is hereby amended to read as follows:
453A.344 1. Except as otherwise provided in subsection 2, the Department shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75



For the initial issuance of a medical marijuana
establishment registration certificate for an
independent testing laboratory \$5,000
For the renewal of a medical marijuana
establishment registration certificate for an
independent testing laboratory 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Department:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the Department in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Department in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~H~~, and section 26 of this act; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 28. Chapter 455C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate as a boiler inspector or elevator mechanic pursuant to NRS 455C.110.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.



4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.



Sec. 29. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of authorization to operate a radiation machine for mammography pursuant to NRS 457.183.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:



(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Division pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

11. *The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 30. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, **and section 29 of this act**, unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X-rays or gamma rays through the body to act on film or other receptor of images.

Sec. 31. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Division may impose an administrative fine, not to exceed \$5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, **and section 29 of this act**, or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.



1 **Sec. 32.** Chapter 458 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Division shall develop and implement a process by*
4 *which a person with a criminal history may petition the Division to*
5 *review the criminal history of the person to determine if*
6 *the person's criminal history will disqualify the person from*
7 *obtaining a certificate as a detoxification technician pursuant to*
8 *NRS 458.025.*

9 2. *Not later than 90 days after a petition is submitted to*
10 *the Division pursuant to subsection 1, the Division shall inform*
11 *the person of the determination of the Division of whether the*
12 *person's criminal history will disqualify the person from obtaining*
13 *a certificate. The Division is not bound by its determination of*
14 *disqualification or qualification and may rescind such a*
15 *determination at any time.*

16 3. *The Division may provide instructions to a person who*
17 *receives a determination of disqualification to remedy the*
18 *determination of disqualification. A person may resubmit a*
19 *petition pursuant to subsection 1 not earlier than 6 months after*
20 *receiving instructions pursuant to this subsection if the person*
21 *remedies the determination of disqualification.*

22 4. *A person with a criminal history may petition the Division*
23 *at any time, including, without limitation, before obtaining any*
24 *education or paying any fee required to obtain a certificate from*
25 *the Division.*

26 5. *A person may submit a new petition to the Division not*
27 *earlier than 2 years after the final determination of the initial*
28 *petition submitted to the Division.*

29 6. *The Division may impose a fee of up to \$50 upon the*
30 *person to fund the administrative costs in complying with the*
31 *provisions of this section. The Division may waive such fees or*
32 *allow such fees to be covered by funds from a scholarship or*
33 *grant.*

34 7. *The Division may post on its Internet website:*

35 (a) *The requirements to obtain a certification from the*
36 *Division; and*

37 (b) *A list of crimes, if any, that would disqualify a person from*
38 *obtaining a certification from the Division.*

39 8. *The Division may request the criminal history record of a*
40 *person who petitions the Division for a determination pursuant to*
41 *subsection 1. To the extent consistent with federal law, if the*
42 *Division makes such a request of a person, the Division shall*
43 *require the person to submit his or her criminal history record*
44 *which includes a report from:*



(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Division pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

11. *The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Fire Marshal shall develop and implement a process by which a person with a criminal history may petition the State Fire Marshal to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration as a fire performer or apprentice fire performer pursuant to NRS 477.223.*

2. *Not later than 90 days after a petition is submitted to the State Fire Marshal pursuant to subsection 1, the State Fire Marshal shall inform the person of the determination of the State Fire Marshal of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Fire Marshal is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.*

3. *The State Fire Marshal may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after*



receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Fire Marshal at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the State Fire Marshal.

5. A person may submit a new petition to the State Fire Marshal not earlier than 2 years after the final determination of the initial petition submitted to the State Fire Marshal.

6. The State Fire Marshal may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Fire Marshal may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Fire Marshal may post on its Internet website:

(a) The requirements to obtain a certificate from the State Fire Marshal; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the State Fire Marshal.

8. The State Fire Marshal may request the criminal history record of a person who petitions the State Fire Marshal for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Fire Marshal makes such a request of a person, the State Fire Marshal shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Fire Marshal for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Fire Marshal.

10. The State Fire Marshal shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Fire Marshal pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Fire Marshal pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Fire Marshal determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative



Commission quarterly, unless otherwise directed by the Commission.

Sec. 37. NRS 477.220 is hereby amended to read as follows:

477.220 As used in NRS 477.220 to 477.226, inclusive, *and section 36 of this act*, unless the context otherwise requires, the words and terms defined in NRS 477.221 and 477.222 have the meanings ascribed to them in those sections.

Sec. 38. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.



8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.



3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and



(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 44. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to



subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 45. Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 490.200 or a temporary permit.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license or temporary permit. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after



receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or temporary permit from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license or temporary permit from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or temporary permit from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative



Commission quarterly, unless otherwise directed by the Commission.

Sec. 46. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 490.0827, 490.125 and 490.150 to 490.520, inclusive, *and section 45 of this act*, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 47. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to practice taxidermy pursuant to NRS 502.370.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before



obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.



1 **Sec. 48.** Chapter 503 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Department shall develop and implement a process by*
4 *which a person with a criminal history may petition the*
5 *Department to review the criminal history of the person to*
6 *determine if the person's criminal history will disqualify the*
7 *person from obtaining a falconry license pursuant to*
8 *NRS 503.583.*

9 2. *Not later than 90 days after a petition is submitted to the*
10 *Department pursuant to subsection 1, the Department shall inform*
11 *the person of the determination of the Department of whether the*
12 *person's criminal history will disqualify the person from obtaining*
13 *a falconry license. The Department is not bound by its*
14 *determination of disqualification or qualification and may rescind*
15 *such a determination at any time.*

16 3. *The Department may provide instructions to a person who*
17 *receives a determination of disqualification to remedy the*
18 *determination of disqualification. A person may resubmit a*
19 *petition pursuant to subsection 1 not earlier than 6 months after*
20 *receiving instructions pursuant to this subsection if the person*
21 *remedies the determination of disqualification.*

22 4. *A person with a criminal history may petition the*
23 *Department at any time, including, without limitation, before*
24 *obtaining any education or paying any fee required to obtain a*
25 *falconry license from the Department.*

26 5. *A person may submit a new petition to the Department not*
27 *earlier than 2 years after the final determination of the initial*
28 *petition submitted to the Department.*

29 6. *The Department may impose a fee of up to \$50 upon the*
30 *person to fund the administrative costs in complying with the*
31 *provisions of this section. The Department may waive such fees or*
32 *allow such fees to be covered by funds from a scholarship or*
33 *grant.*

34 7. *The Department may post on its Internet website:*

35 (a) *The requirements to obtain a falconry license from the*
36 *Department; and*

37 (b) *A list of crimes, if any, that would disqualify a person from*
38 *obtaining a falconry license from the Department.*

39 8. *The Department may request the criminal history record of*
40 *a person who petitions the Department for a determination*
41 *pursuant to subsection 1. To the extent consistent with federal law,*
42 *if the Department makes such a request of a person, the*
43 *Department shall require the person to submit his or her criminal*
44 *history record which includes a report from:*



(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. *The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Department pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Department pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Department determines would be helpful.*

11. *The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 49. Chapter 504 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a master guide license or subguide license pursuant to NRS 504.390.*

2. *Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before*



obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.



Sec. 50. Chapter 505 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a fur dealer's license pursuant to NRS 502.240.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:



(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 51. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer shall develop and implement a process by which a person with a criminal history may petition the State Engineer to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to drill pursuant to NRS 534.140.

2. Not later than 90 days after a petition is submitted to the State Engineer pursuant to subsection 1, the State Engineer shall inform the person of the determination of the State Engineer of whether the person's criminal history will disqualify the person from obtaining a license. The State Engineer is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Engineer may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Engineer at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Engineer.



5. A person may submit a new petition to the State Engineer not earlier than 2 years after the final determination of the initial petition submitted to the State Engineer.

6. The State Engineer may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Engineer may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Engineer may post on its Internet website:

(a) The requirements to obtain a license from the State Engineer; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the State Engineer.

8. The State Engineer may request the criminal history record of a person who petitions the State Engineer for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Engineer makes such a request of a person, the State Engineer shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Engineer for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Engineer.

10. The State Engineer shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Engineer pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Engineer pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Engineer determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 52. NRS 534.190 is hereby amended to read as follows:

534.190 Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, *and section 51 of this act* shall be guilty of a misdemeanor.



1 **Sec. 53.** Chapter 544 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Director shall develop and implement a process by*
4 *which a person with a criminal history may petition the Director to*
5 *review the criminal history of the person to determine if the*
6 *person's criminal history will disqualify the person from obtaining*
7 *a license and a permit pursuant to NRS 544.120.*

8 2. *Not later than 90 days after a petition is submitted to*
9 *the Director pursuant to subsection 1, the Director shall inform*
10 *the person of the determination of the Director of whether the*
11 *person's criminal history will disqualify the person from obtaining*
12 *a license and a permit. The Director is not bound by his or her*
13 *determination of disqualification or qualification and may rescind*
14 *such a determination at any time.*

15 3. *The Director may provide instructions to a person who*
16 *receives a determination of disqualification to remedy the*
17 *determination of disqualification. A person may resubmit a*
18 *petition pursuant to subsection 1 not earlier than 6 months after*
19 *receiving instructions pursuant to this subsection if the person*
20 *remedies the determination of disqualification.*

21 4. *A person with a criminal history may petition the Director*
22 *at any time, including, without limitation, before obtaining any*
23 *education or paying any fee required to obtain a license and a*
24 *permit from the Director.*

25 5. *A person may submit a new petition to the Director not*
26 *earlier than 2 years after the final determination of the initial*
27 *petition submitted to the Director.*

28 6. *The Director may impose a fee of up to \$50 upon the*
29 *person to fund the administrative costs in complying with the*
30 *provisions of this section. The Director may waive such fees or*
31 *allow such fees to be covered by funds from a scholarship or*
32 *grant.*

33 7. *The Director may post on its Internet website:*

34 (a) *The requirements to obtain a license and a permit from the*
35 *Director; and*

36 (b) *A list of crimes, if any, that would disqualify a person from*
37 *obtaining a license and a permit from the Director.*

38 8. *The Director may request the criminal history record of a*
39 *person who petitions the Director for a determination pursuant to*
40 *subsection 1. To the extent consistent with federal law, if the*
41 *Director makes such a request of a person, the Director shall*
42 *require the person to submit his or her criminal history record*
43 *which includes a report from:*

44 (a) *The Central Repository for Nevada Records of Criminal*
45 *History; and*



(b) *The Federal Bureau of Investigation.*

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Conservation and Natural Resources shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Conservation and Natural Resources determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 54. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, **and section 53 of this act**, unless the context requires otherwise:

1. "Director" means the Director of the State Department of Conservation and Natural Resources.

2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative



findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 55. NRS 544.220 is hereby amended to read as follows:

544.220 1. The Director may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The Director may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of NRS 544.070 to 544.240, inclusive **H**, and **section 53 of this act**. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds for the proposed suspension or revocation. The Director may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provisions of NRS 544.070 to 544.240, inclusive **H**, and **section 53 of this act**.

2. The Director may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the Director that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Sec. 56. NRS 544.240 is hereby amended to read as follows:

544.240 Any person violating any of the provisions of NRS 544.070 to 544.240, inclusive, **and section 53 of this act**, or any lawful regulation or order issued pursuant thereto shall be guilty of a misdemeanor and a continuing violation is punishable as a separate offense for each day during which it occurs.

Sec. 57. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a government applicator pursuant to NRS 555.2772 or a business license or license as an applicator pursuant to NRS 555.290.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform



1 the person of the determination of the Director of whether the
2 person's criminal history will disqualify the person from obtaining
3 a license. The Director is not bound by his or her determination of
4 disqualification or qualification and may rescind such a
5 determination at any time.

6 3. The Director may provide instructions to a person who
7 receives a determination of disqualification to remedy the
8 determination of disqualification. A person may resubmit a
9 petition pursuant to subsection 1 not earlier than 6 months after
10 receiving instructions pursuant to this subsection if the person
11 remedies the determination of disqualification.

12 4. A person with a criminal history may petition the Director
13 at any time, including, without limitation, before obtaining any
14 education or paying any fee required to obtain a license from the
15 Director.

16 5. A person may submit a new petition to the Director not
17 earlier than 2 years after the final determination of the initial
18 petition submitted to the Director.

19 6. The Director may impose a fee of up to \$50 upon the
20 person to fund the administrative costs in complying with the
21 provisions of this section. The Director may waive such fees or
22 allow such fees to be covered by funds from a scholarship or
23 grant.

24 7. The Director may post on its Internet website:

25 (a) The requirements to obtain a license from the Director;
26 and

27 (b) A list of crimes, if any, that would disqualify a person from
28 obtaining a license from the Director.

29 8. The Director may request the criminal history record of a
30 person who petitions the Director for a determination pursuant to
31 subsection 1. To the extent consistent with federal law, if the
32 Director makes such a request of a person, the Director shall
33 require the person to submit his or her criminal history record
34 which includes a report from:

35 (a) The Central Repository for Nevada Records of Criminal
36 History; and

37 (b) The Federal Bureau of Investigation.

38 9. A person who petitions the Director for a determination
39 pursuant to subsection 1 shall not submit false or misleading
40 information to the Director.

41 10. The Director of the State Department of Agriculture
42 shall, on or before the 20th day of January, April, July and
43 October, submit to the Director of the Legislative Counsel Bureau
44 in an electronic format prescribed by the Director, a report that
45 includes:



(a) *The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.*

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 58. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency and any government applicator is subject to the provisions of NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

Sec. 60. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any business license or license issued to an applicator or government applicator under NRS 555.2605 to 555.460, inclusive, **and section 57 of this act** if the Director finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee has operated faulty or unsafe equipment;

(f) The licensee has made any application of materials in a manner inconsistent with labeling or any restriction imposed by regulation of the Director, or otherwise in a faulty, careless or negligent manner;



(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, or regulations adopted pursuant thereto;

(h) The licensee has engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;

(i) The licensee has aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed the license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of the license;

(k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation;

(l) The licensee has been convicted of, or entered a plea of nolo contendere to, a category A or B felony or a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years in any court of competent jurisdiction in the United States or any other country; or

(m) The licensee has failed to provide adequate instruction or supervision to any unlicensed employee working under the supervision of the licensee.

2. A business license and any license issued to a principal of the business as an applicator is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the licenses remain suspended until the insurance is re-established.

3. If the licensee is a natural person, any licensee against whom the Director initiates disciplinary action pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director and in accordance with any regulations adopted by the Department, submit to the Director any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check. A willful failure of a licensee to comply with the requirements of this subsection constitutes an additional ground for the revocation, suspension or modification of the license pursuant to this section.



Sec. 61. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, **and section 57 of this act**, or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 62. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive **H**, **and section 57 of this act**. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive **H**, **and section 57 of this act**.

Sec. 63. Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from registering as a grower, handler or producer pursuant to NRS 557.200.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from registration. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the



determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to register with the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative



Commission quarterly, unless otherwise directed by the Commission.

Sec. 64. NRS 557.100 is hereby amended to read as follows:

557.100 As used in NRS 557.100 to 557.290, inclusive, *and section 63 of this act*, unless the context otherwise requires, the words and terms defined in NRS 557.110 to 557.180, inclusive, have the meanings ascribed to them in those sections.

Sec. 65. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of NRS 557.100 to 557.290, inclusive, *and section 63 of this act* do not apply to the Department or an institution of higher education which grows or cultivates industrial hemp pursuant to NRS 557.010 to 557.080, inclusive.

Sec. 66. NRS 557.280 is hereby amended to read as follows:

557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of NRS 557.100 to 557.290, inclusive, *and section 63 of this act*, the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of NRS 557.100 to 557.290, inclusive, *and section 63 of this act*, the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed \$2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 67. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a broker, dealer, commission merchant or agent pursuant to NRS 576.030.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a



petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative



Commission quarterly, unless otherwise directed by the Commission.

Sec. 68. Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration pursuant to NRS 581.103.

2. Not later than 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate of registration from the State Sealer of Consumer Equitability.

5. A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.

6. The State Sealer of Consumer Equitability may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Sealer of Consumer Equitability may post on its Internet website:

(a) The requirements to obtain a certificate of registration from the State Sealer of Consumer Equitability; and



(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate of registration from the State Sealer of Consumer Equitability.

8. The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Equitability makes such a request of a person, the State Sealer of Equitability shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 69. Chapter 582 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a public weighmaster pursuant to NRS 582.028.

2. Not later than 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person



1 of the determination of the State Sealer of Consumer Equitability
2 of whether the person's criminal history will disqualify the person
3 from obtaining a license. The State Sealer of Consumer
4 Equitability is not bound by his or her determination of
5 disqualification or qualification and may rescind such a
6 determination at any time.

7 3. The State Sealer of Consumer Equitability may provide
8 instructions to a person who receives a determination of
9 disqualification to remedy the determination of disqualification. A
10 person may resubmit a petition pursuant to subsection 1 not
11 earlier than 6 months after receiving instructions pursuant to this
12 subsection if the person remedies the determination of
13 disqualification.

14 4. A person with a criminal history may petition the State
15 Sealer of Consumer Equitability at any time, including, without
16 limitation, before obtaining any education or paying any fee
17 required to obtain a license from the State Sealer of Consumer
18 Equitability.

19 5. A person may submit a new petition to the State Sealer of
20 Consumer Equitability not earlier than 2 years after the final
21 determination of the initial petition submitted to the State Sealer of
22 Consumer Equitability.

23 6. The State Sealer of Consumer Equitability may impose a
24 fee of up to \$50 upon the person to fund the administrative costs
25 in complying with the provisions of this section. The State Sealer
26 of Consumer Equitability may waive such fees or allow such fees
27 to be covered by funds from a scholarship or grant.

28 7. The State Sealer of Consumer Equitability may post on its
29 Internet website:

30 (a) The requirements to obtain a license from the State Sealer
31 of Consumer Equitability; and

32 (b) A list of crimes, if any, that would disqualify a person from
33 obtaining a license from the State Sealer of Consumer
34 Equitability.

35 8. The State Sealer of Consumer Equitability may request the
36 criminal history record of a person who petitions the State Sealer
37 of Consumer Equitability for a determination pursuant to
38 subsection 1. To the extent consistent with federal law, if the State
39 Sealer of Consumer Equitability makes such a request of a person,
40 the State Sealer of Consumer Equitability shall require the person
41 to submit his or her criminal history record which includes a
42 report from:

43 (a) The Central Repository for Nevada Records of Criminal
44 History; and

45 (b) The Federal Bureau of Investigation.



9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 70. Chapter 584 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a milk tester's license pursuant to NRS 584.215.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.



5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.



Sec. 71. NRS 584.285 is hereby amended to read as follows:
584.285 Any person violating any provision of NRS 584.215 to 584.285, inclusive, *and section 70 of this act* shall be guilty of a misdemeanor.

Sec. 72. Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or registration pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license or registration. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or registration from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license or registration from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or registration from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall



1 *require the person to submit his or her criminal history record*
2 *which includes a report from:*

3 *(a) The Central Repository for Nevada Records of Criminal*
4 *History; and*

5 *(b) The Federal Bureau of Investigation.*

6 *9. A person who petitions the Director for a determination*
7 *pursuant to subsection 1 shall not submit false or misleading*
8 *information to the Director.*

9 *10. The Director of the State Department of Agriculture*
10 *shall, on or before the 20th day of January, April, July and*
11 *October, submit to the Director of the Legislative Counsel Bureau*
12 *in an electronic format prescribed by the Director of the*
13 *Legislative Counsel Bureau, a report that includes:*

14 *(a) The number of petitions submitted to the Director of the*
15 *State Department of Agriculture pursuant to subsection 1;*

16 *(b) The number of determinations of disqualification made by*
17 *the Director of the State Department of Agriculture pursuant to*
18 *subsection 1;*

19 *(c) The reasons for such determinations; and*

20 *(d) Any other information that is requested by the Director of*
21 *the Legislative Counsel Bureau or which the Director of the State*
22 *Department of Agriculture determines would be helpful.*

23 *11. The Director of the Legislative Counsel Bureau shall*
24 *transmit a compilation of the information received pursuant to*
25 *subsection 10 to the Legislative Commission quarterly, unless*
26 *otherwise directed by the Commission.*

27 **Sec. 73.** Chapter 599A of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *1. The board of county commissioners of any county and the*
30 *governing body of an incorporated city shall develop and*
31 *implement a process by which a person with a criminal history*
32 *may petition the board of county commissioners of any county and*
33 *the governing body of an incorporated city to review the criminal*
34 *history of the person to determine if the person's criminal history*
35 *will disqualify the person from obtaining a license pursuant to*
36 *NRS 599A.050.*

37 *2. Not later than 90 days after a petition is submitted to the*
38 *board of county commissioners of any county and the governing*
39 *body of an incorporated city pursuant to subsection 1, the board of*
40 *county commissioners of any county and the governing body of an*
41 *incorporated city shall inform the person of the determination of*
42 *the board of county commissioners of any county and the*
43 *governing body of an incorporated city of whether the person's*
44 *criminal history will disqualify the person from obtaining a*
45 *license. The board of county commissioners of any county and the*



governing body of an incorporated city is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The board of county commissioners of any county and the governing body of an incorporated city may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners of any county and the governing body of an incorporated city.

5. A person may submit a new petition to the board of county commissioners of any county and the governing body of an incorporated city not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners of any county and the governing body of an incorporated city.

6. The board of county commissioners of any county and the governing body of an incorporated city may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The board of county commissioners of any county and the governing body of an incorporated city may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The board of county commissioners of any county and the governing body of an incorporated city may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or the governing body, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the board of county commissioners of any county and the governing body of an incorporated city, as applicable.

8. The board of county commissioners of any county and the governing body of an incorporated city may request the criminal history record of a person who petitions the board of county commissioners or the governing body, as applicable, for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or governing body, as applicable, makes such a request of a person,



1 the board of county commissioners or governing body, as
2 applicable, shall require the person to submit his or her criminal
3 history record which includes a report from:

4 (a) The Central Repository for Nevada Records of Criminal
5 History; and

6 (b) The Federal Bureau of Investigation.

7 9. A person who petitions the board of county commissioners
8 of any county and the governing body of an incorporated city for a
9 determination pursuant to subsection 1 shall not submit false or
10 misleading information to the board of county commissioners or
11 governing body, as applicable.

12 10. The board of county commissioners of any county and the
13 governing body of an incorporated city shall, on or before the 20th
14 day of January, April, July and October, submit to the Director of
15 the Legislative Counsel Bureau in an electronic format prescribed
16 by the Director, a report that includes:

17 (a) The number of petitions submitted to the board of county
18 commissioners of any county and the governing body of an
19 incorporated city pursuant to subsection 1;

20 (b) The number of determinations of disqualification made by
21 the board of county commissioners of any county and the
22 governing body of an incorporated city pursuant to subsection 1;

23 (c) The reasons for such determinations; and

24 (d) Any other information that is requested by the Director or
25 which the board of county commissioners of any county and the
26 governing body of an incorporated city determines would be
27 helpful.

28 11. The Director shall transmit a compilation of the
29 information received pursuant to subsection 10 to the Legislative
30 Commission quarterly, unless otherwise directed by the
31 Commission.

32 **Sec. 74.** Chapter 599B of NRS is hereby amended by adding
33 thereto a new section to read as follows:

34 1. The Division shall develop and implement a process by
35 which a person with a criminal history may petition the Division to
36 review the criminal history of the person to determine if the
37 person's criminal history will disqualify the person from obtaining
38 a registration pursuant to NRS 599B.080.

39 2. Not later than 90 days after a petition is submitted to
40 the Division pursuant to subsection 1, the Division shall inform
41 the person of the determination of the Division of whether the
42 person's criminal history will disqualify the person from obtaining
43 a registration. The Division is not bound by its determination of
44 disqualification or qualification and may rescind such a
45 determination at any time.



3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a registration from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and



(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 75. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or certification pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license or certification. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certification from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license or certification from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to



subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 76. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Authority shall develop and implement a process by which a person with a criminal history may petition the Authority to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a driver's permit pursuant to NRS 706.462.

2. Not later than 90 days after a petition is submitted to the Authority pursuant to subsection 1, the Authority shall inform the person of the determination of the Authority of whether the person's criminal history will disqualify the person from obtaining a driver's permit. The Authority is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.



4. A person with a criminal history may petition the Authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a driver's permit from the Authority.

5. A person may submit a new petition to the Authority not earlier than 2 years after the final determination of the initial petition submitted to the Authority.

6. The Authority may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Authority may post on its Internet website:

(a) The requirements to obtain a driver's permit from the Authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a driver's permit from the Authority.

8. The Authority may request the criminal history record of a person who petitions the Authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Authority makes such a request of a person, the Authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the Authority.

10. The Authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Authority determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.



Sec. 77. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 76 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. 78. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and section 76 of this act* relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 79. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and section 76 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 80. 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 76 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. Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.



Sec. 81. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~H~~, and section 76 of this act; or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

↳ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, and section 76 of this act is being violated,

↳ the Authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive ~~H~~, and section 76 of this act. The Authority shall enforce compliance with the order pursuant to the powers vested in the Authority by NRS 706.011 to 706.791, inclusive, and section 76 of this act or by other law.

Sec. 82. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, and section 76 of this act do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.



(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.



Sec. 83. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, **and section 76 of this act** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, **and section 76 of this act**, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive **H**, **and section 76 of this act**;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive **H**, **and section 76 of this act**;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive **H**, **and section 76 of this act**;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

↳ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,



1 ➤ is guilty of a misdemeanor, and upon conviction thereof shall be
2 punished by a fine of not less than \$100 nor more than \$1,000, or by
3 imprisonment in the county jail for not more than 6 months, or by
4 both fine and imprisonment.

5 2. Any person who, in violation of the provisions of NRS
6 706.386, operates as a fully regulated common motor carrier without
7 first obtaining a certificate of public convenience and necessity or
8 any person who, in violation of the provisions of NRS 706.421,
9 operates as a contract motor carrier without first obtaining a permit
10 is guilty of a misdemeanor and shall be punished:

11 (a) For a first offense within a period of 12 consecutive months,
12 by a fine of not less than \$500 nor more than \$1,000. In addition to
13 the fine, the person may be punished by imprisonment in the county
14 jail for not more than 6 months.

15 (b) For a second offense within a period of 12 consecutive
16 months and for each subsequent offense that is committed within a
17 period of 12 consecutive months of any prior offense under this
18 subsection, by a fine of \$1,000. In addition to the fine, the person
19 may be punished by imprisonment in the county jail for not more
20 than 6 months.

21 3. Any person who, in violation of the provisions of NRS
22 706.386, operates or permits the operation of a vehicle in passenger
23 service without first obtaining a certificate of public convenience
24 and necessity is guilty of a gross misdemeanor.

25 4. If a law enforcement officer witnesses a violation of any
26 provision of subsection 2 or 3, the law enforcement officer may
27 cause the vehicle to be towed immediately from the scene and
28 impounded in accordance with NRS 706.476.

29 5. The fines provided in this section are mandatory and must
30 not be reduced under any circumstances by the court.

31 6. Any bail allowed must not be less than the appropriate fine
32 provided for by this section.

33 **Sec. 84.** NRS 706.758 is hereby amended to read as follows:

34 706.758 1. It is unlawful for any person to advertise services
35 for which a certificate of public convenience and necessity or a
36 contract carrier's permit is required pursuant to NRS 706.011 to
37 706.791, inclusive, *and section 76 of this act*, unless the person has
38 been issued such a certificate or permit.

39 2. If, after notice and a hearing, the Authority determines that a
40 person has engaged in advertising in a manner that violates the
41 provisions of this section, the Authority may, in addition to any
42 penalty, punishment or disciplinary action authorized by the
43 provisions of NRS 706.011 to 706.791, inclusive, *and section 76 of*
44 *this act*, issue an order to the person to cease and desist the unlawful
45 advertising and to:



(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that the person receives an order pursuant to subsection 2, the Authority may request the Commission to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date the person receives an order pursuant to subsection 2, the Authority may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the Authority pursuant to subsection 3, it shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

➤ If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.



1 **Sec. 85.** NRS 706.781 is hereby amended to read as follows:

2 706.781 In addition to all the other remedies provided by NRS
3 706.011 to 706.861, inclusive, *and section 76 of this act*, for the
4 prevention and punishment of any violation of the provisions thereof
5 and of all orders of the Authority or the Department, the Authority
6 or the Department may compel compliance with the provisions of
7 NRS 706.011 to 706.861, inclusive, *and section 76 of this act*, and
8 with the orders of the Authority or the Department by proceedings
9 in mandamus, injunction or by other civil remedies.

10 **Sec. 85.5.** The provisions of subsection 1 of NRS 218D.380
11 do not apply to any provision of this act which adds or revises a
12 requirement to submit a report to the Legislature.

13 **Sec. 86.** This act becomes effective on July 1, 2019.

