

ASSEMBLY BILL NO. 425—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing fingerprinting services. (BDR 19-945)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 public affairs; requiring that fingerprinting services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of fingerprinting services; authorizing disciplinary action and other remedies in specified circumstances; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires any person that offers fingerprinting services for compensation to register with the Secretary of State and comply with various requirements. **Section 3** of this bill defines “fingerprinting service” as a person, not including a local, state or federal law enforcement agency, that provides services to fingerprint a person for compensation. **Sections 5 and 6** of this bill require any person wishing to engage in the business of a fingerprinting service to register with the Secretary of State and renew that registration annually. **Section 5** establishes certain qualifications for registration and provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct. **Section 7** of this bill requires the Secretary of State to account separately for the fees collected from a registrant. **Section 8** of this bill requires a fingerprinting service to file and maintain with the Secretary of State a cash bond or surety bond to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or to provide payment to the Secretary of State for any civil penalty or award of attorney’s fees or costs made against the fingerprinting service.



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Sections 9 and 10 of this bill enact provisions relating to court orders for the support of a child against natural persons who apply for registration or a renewal of registration.

Section 11 of this bill establishes provisions relating to the advertising of a fingerprinting service. **Section 12** of this bill requires a fingerprinting service to post a notice containing certain information in its place of business. **Section 13** of this bill requires: (1) a fingerprinting service required to obtain a state business license to obtain and maintain a state business license; and (2) each fingerprinting service to conspicuously display at the registrant's place of business a copy of any state and local business license issued to the fingerprinting service. **Section 14** of this bill requires a fingerprinting service to provide a disclosure containing certain information to a person who uses the services of the fingerprinting service. **Section 15** of this bill provides that: (1) there must be a written contract between the client and the fingerprinting service; and (2) the contract must contain certain terms and disclosures. **Section 16** of this bill requires a fingerprinting service to include certain information on any documents prepared for a person who uses the services of the fingerprinting service.

Sections 17-20 of this bill set forth various required and prohibited practices applicable to a fingerprinting service. **Section 21** of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a fingerprinting service. **Section 22** of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of this bill and take certain actions if such a violation is found. **Section 23** of this bill authorizes the Secretary of State to conduct certain reviews of records required to be maintained by a fingerprinting service. **Section 24** of this bill authorizes the Secretary of State to deny, suspend, revoke or refuse to renew a registration under certain circumstances. **Sections 25 and 26** of this bill provide for civil and criminal penalties for a person who violates the provisions of this bill. **Section 27** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of such a violation.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Fingerprinting service" means a person that provides services to fingerprint a person for compensation. The term does not include any local, state or federal law enforcement agency.*

Sec. 4. *"Registrant" means a fingerprinting service registered pursuant to this chapter.*

Sec. 5. 1. *A person who wishes to engage in the business of a fingerprinting service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must*



1 *be a citizen or legal resident of the United States or hold a valid*
2 *Employment Authorization Document issued by the United States*
3 *Citizenship and Immigration Services of the Department of*
4 *Homeland Security, and be at least 18 years of age.*

5 2. *The Secretary of State shall not register as a fingerprinting*
6 *service any person:*

7 (a) *Whose registration as a fingerprinting service in this State*
8 *or another state has previously been revoked for cause;*

9 (b) *Who has previously been convicted of, or entered a plea of*
10 *guilty, guilty but mentally ill or nolo contendere to, a gross*
11 *misdemeanor or a category D felony pursuant to section 26 of this*
12 *act; or*

13 (c) *Who has, within the 10 years immediately preceding the*
14 *date of the application for registration as a fingerprinting service,*
15 *been:*

16 (1) *Convicted of, or entered a plea of guilty, guilty but*
17 *mentally ill or nolo contendere to, a crime involving theft, fraud or*
18 *dishonesty; or*

19 (2) *Adjudged by the final judgment of any court to have*
20 *committed an act involving theft, fraud or dishonesty.*

21 3. *An application for registration as a fingerprinting service*
22 *must be made under penalty of perjury on a form prescribed by*
23 *regulation of the Secretary of State and must be accompanied by:*

24 (a) *A nonrefundable application fee of \$50; and*

25 (b) *A cash bond or surety bond meeting the requirements of*
26 *section 8 of this act.*

27 4. *An applicant for registration must submit to the Secretary*
28 *of State a declaration under penalty of perjury stating that the*
29 *applicant has not had a certificate or license as a fingerprinting*
30 *service revoked or suspended in this State or any other state or*
31 *territory of the United States.*

32 5. *After the investigation of the history of the applicant is*
33 *completed, the Secretary of State shall issue a certificate of*
34 *registration if the applicant is qualified for registration and has*
35 *complied with the requirements of this section. Each certificate of*
36 *registration must bear the name of the registrant and a*
37 *registration number unique to that registrant. The Secretary of*
38 *State shall maintain a record of the name and registration number*
39 *of each registrant.*

40 6. *An application for registration as a fingerprinting service*
41 *that is not completed within 120 days after the date on which the*
42 *application was submitted must be denied. If an application is*
43 *denied pursuant to this subsection, the applicant may submit a*
44 *new application.*



1 **Sec. 6. 1.** *Except as otherwise provided in subsection 2, the*
2 *registration of a fingerprinting service is valid for 1 year after*
3 *the date of issuance of the certificate of registration, unless the*
4 *registration is suspended or revoked. Except as otherwise provided*
5 *in this section, the registration may be renewed subject to the same*
6 *conditions as the initial registration. An application for renewal*
7 *must be made under penalty of perjury on a form prescribed by*
8 *regulation of the Secretary of State and must be accompanied by:*

9 (a) *A renewal fee of \$25; and*

10 (b) *A cash bond or surety bond meeting the requirements of*
11 *section 8 of this act, unless the bond previously filed by the*
12 *registrant remains on file and in effect.*

13 2. *The registration of a registrant who holds a valid*
14 *Employment Authorization Document issued by the United States*
15 *Citizenship and Immigration Services of the Department of*
16 *Homeland Security must expire on the date on which that person's*
17 *employment authorization expires or 1 year after the date of*
18 *issuance of the certificate of registration, whichever is earlier.*

19 3. *The Secretary of State may:*

20 (a) *Conduct any investigation of a registrant that the Secretary*
21 *of State deems appropriate.*

22 (b) *Require a registrant to submit a complete set of*
23 *fingerprints and written permission authorizing the Secretary of*
24 *State to forward the fingerprints to the Central Repository for*
25 *Nevada Records of Criminal History for submission to the Federal*
26 *Bureau of Investigation for its report.*

27 4. *After any investigation of the history of a registrant is*
28 *completed, unless the Secretary of State elects or is required to*
29 *deny renewal pursuant to this section or section 24 of this act, the*
30 *Secretary of State shall renew the registration if the registrant is*
31 *qualified for registration and has complied with the requirements*
32 *of this section.*

33 **Sec. 7.** *The Secretary of State shall account for the fees*
34 *received pursuant to sections 5 and 6 of this act separately, and*
35 *use those fees, and any interest and income earned on those fees,*
36 *solely to pay for expenses related to administering the*
37 *fingerprinting services program pursuant to this chapter,*
38 *including, without limitation, the cost of:*

39 1. *Materials and advertising to provide education and*
40 *information about the program; and*

41 2. *Any technology necessary to process and maintain*
42 *registration as a fingerprinting service.*

43 **Sec. 8. 1.** *A registrant shall file with the Secretary of State*
44 *a cash bond or surety bond in the penal sum of \$50,000 which is*



1 approved as to form by the Attorney General and conditioned to
2 provide:

3 (a) Indemnification to a person who uses the services of the
4 fingerprinting service who is determined in an action or
5 proceeding to have suffered damage as a result of:

6 (1) An act or omission of the registrant, or an agent or
7 employee of the registrant, which violates a provision of this
8 chapter or a regulation or order adopted or issued pursuant
9 thereto;

10 (2) A wrongful failure or refusal by the registrant, or an
11 agent or employee of the registrant, to provide services in
12 accordance with a contract entered into pursuant to section 15 of
13 this act;

14 (3) The fraud, dishonesty, negligence or other wrongful
15 conduct of the registrant or an agent or employee of the
16 registrant; or

17 (4) An act or omission of the registrant in violation of any
18 other federal or state law for which the return of fees, an award of
19 damages or the imposition of sanctions have been awarded by a
20 court of competent jurisdiction in this State; or

21 (b) Payment to the Secretary of State for any civil penalty or
22 award of attorney's fees or costs of suit owing and unpaid by the
23 registrant to the Secretary of State pursuant to this chapter.

24 2. No part of the bond may be withdrawn while the
25 registration of the registrant remains in effect, or while a
26 proceeding to suspend or revoke the registration is pending.

27 3. If a surety bond is filed pursuant to subsection 1:

28 (a) The bond must be executed by the registrant as principal
29 and by a surety company qualified and authorized to do business
30 in this State.

31 (b) The bond must cover the period of the registration of the
32 registrant, except when the surety is released in accordance with
33 this section.

34 (c) The surety shall pay any final, nonappealable judgment of
35 a court of this State that has jurisdiction, upon receipt of written
36 notice that the judgment is final.

37 (d) The bond may be continuous, but regardless of the
38 duration of the bond, the aggregate liability of the surety does not
39 exceed the penal sum of the bond.

40 (e) If the penal sum of the bond is exhausted, the surety shall
41 give written notice to the Secretary of State and the registrant
42 within 30 days after its exhaustion.

43 (f) The surety may be released after giving 30 days' written
44 notice to the Secretary of State and the registrant, but the release
45 does not discharge or otherwise affect any claim resulting from an



1 *act or omission which is alleged to have occurred while the bond*
2 *was in effect.*

3 4. *Except as otherwise provided in this subsection, if a cash*
4 *bond is filed pursuant to subsection 1, the Secretary of State may*
5 *retain the bond until the expiration of 3 years after the date the*
6 *registrant has ceased to do business, or 3 years after the date of*
7 *the expiration or revocation of the registration, to ensure that*
8 *there are no outstanding claims against the bond. A court of*
9 *competent jurisdiction may order the return of the bond, or any*
10 *part of the bond, at an earlier date upon evidence satisfactory to*
11 *the court that there are no outstanding claims against the bond or*
12 *that the part of the bond retained by the Secretary of State is*
13 *sufficient to satisfy any outstanding claims. Interest on a cash*
14 *bond filed pursuant to subsection 1 must accrue to the account of*
15 *the depositor.*

16 5. *The registration of a registrant is suspended by operation*
17 *of law when the registrant is no longer covered by a bond or the*
18 *penal sum of the bond is exhausted. If the Secretary of State*
19 *receives notice pursuant to subsection 3 that the penal sum of a*
20 *surety bond is exhausted or that the surety is being released, the*
21 *Secretary of State shall immediately notify the registrant in writing*
22 *that his or her registration is suspended by operation of law until*
23 *another bond is filed in the same manner and amount as the*
24 *former bond.*

25 6. *The Secretary of State may reinstate the registration of a*
26 *registrant whose registration has been suspended pursuant to*
27 *subsection 5 if, before the current term of the registration expires,*
28 *the registrant files with the Secretary of State a new bond meeting*
29 *the requirements of this section.*

30 7. *Except as specifically authorized or required by this*
31 *chapter, a registrant shall not make or cause to be made any oral*
32 *or written reference to the registrant's compliance with the*
33 *requirements of this section.*

34 **Sec. 9. 1.** *In addition to any other requirements set forth in*
35 *this chapter:*

36 (a) *A natural person who applies for registration or the*
37 *renewal of registration as a fingerprinting service pursuant to*
38 *section 5 or 6 of this act must include the social security number*
39 *of the applicant in the application submitted to the Secretary of*
40 *State.*

41 (b) *An applicant described in paragraph (a) shall submit to the*
42 *Secretary of State the statement prescribed by the Division of*
43 *Welfare and Supportive Services of the Department of Health and*
44 *Human Services pursuant to NRS 425.520. The statement must be*
45 *completed and signed by the applicant.*



2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as a fingerprinting service may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 10. 1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as a fingerprinting service, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a registration of a fingerprinting service that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 11. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she



1 *is engaged in the business of a fingerprinting service in this State*
2 *unless he or she has complied with all the applicable requirements*
3 *of this chapter.*

4 **Sec. 12.** 1. *Each registrant shall display conspicuously in*
5 *his or her place of business a copy of his or her certificate of*
6 *registration and a written notice meeting the requirements of this*
7 *section.*

8 2. *The notice must:*

9 (a) *Be not less than 12 by 20 inches in size, and each character*
10 *of text in the notice must be not less than 1 inch in height and 1*
11 *inch in width.*

12 (b) *Be written in English and in each other language in which*
13 *the registrant transacts business.*

14 (c) *Contain the full name of the registrant or, if more than one*
15 *registrant is providing services at that place of business, the full*
16 *name of each such registrant.*

17 (d) *Contain a list of the services provided by the registrant and*
18 *the fee charged for each such service.*

19 (e) *Contain a statement that the registration has filed with the*
20 *Secretary of State a cash bond or surety bond, stating the amount*
21 *and any identifying number of the bond.*

22 **Sec. 13.** 1. *A registrant required to obtain a state business*
23 *license issued by the Secretary of State pursuant to chapter 76 of*
24 *NRS shall:*

(a) *Obtain a state business license before offering a*
fingerprinting service; and

25 (b) *Maintain a state business license during the period of the*
26 *registrant's registration as a fingerprinting service.*

27 2. *Each registrant shall display conspicuously in the*
28 *registrant's place of business a copy of:*

29 (a) *The state business license issued to the registrant or the*
30 *registrant's employer, as applicable, by the Secretary of State*
31 *pursuant to chapter 76 of NRS; and*

32 (b) *Any business license issued to the registrant or the*
33 *registrant's employer, as applicable, by a local government in this*
34 *State.*

35 **Sec. 14.** 1. *Before providing any services to a person who*
36 *uses the services of the fingerprinting service or presenting a*
37 *person who uses the services of the fingerprinting service with the*
38 *contract required by section 15 of this act, a registrant must:*

39 (a) *Furnish a person who uses the services of the*
40 *fingerprinting service with a written form of disclosure meeting*
41 *the requirements of this section, with a copy for the person who*
42 *uses the services of the fingerprinting service to retain; and*



(b) Require a person who uses the services of the fingerprinting service to read and sign the disclosure, acknowledging that the person who uses the services of the fingerprinting service has read and understands it.

2. The disclosure must be written in English and, if different, the language in which the registrant transacts business with the person who uses the services of the fingerprinting service and must include:

(a) The full name, business address and telephone number and registration number of the registrant.

(b) The name and business address of the agent of the registrant for service of process, if any, in this State.

(c) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.

(d) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. 1. Before a registrant provides any services to a person who uses the services of the fingerprinting service, the registrant and the person who uses the services of the fingerprinting service must enter into a written contract meeting the requirements of this section. The registrant shall provide the person who uses the services of the fingerprinting service with a copy of the contract.

2. The contract must:

(a) Be written in English and, if different, in the language in which the registrant transacts business with the person who uses the services of the fingerprinting service, and be printed or typewritten in not less than 12-point type.

(b) Explain the services to be performed by the registrant and state the total price to be paid by the person who uses the services of the fingerprinting service for all such services.

(c) Include a statement that any complaint concerning an alleged violation of this chapter by the registrant may be directed to the Secretary of State.

(d) State the date of the signature of the person who uses the services of the fingerprinting service on the contract, if the person who uses the services of the fingerprinting service agrees to the terms of the contract.



3. A contract between a registrant and a person who uses the services of the fingerprinting service that does not comply with any requirement of this section is voidable by the person who uses the services of the fingerprinting service.

Sec. 16. If any document prepared by a registrant includes a place on the document for the registrant to provide information, including, without limitation, the name, business address, telephone number and registration number of the registrant, the registrant shall include the requested information on the document.

Sec. 17. 1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a person who uses the services of the fingerprinting service in connection with services rendered by the registrant.

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a person who uses the services of the fingerprinting service any original document provided by such person:

(a) Upon the request of the person;

(b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or

(c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a person who uses the services of the fingerprinting service is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to such person.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the person who uses the services of the fingerprinting service over the fees or costs of the registrant.

Sec. 18. 1. Upon the presentation to a registrant of a written form of authorization signed by a person who uses the services of the fingerprinting service, the registrant shall provide a complete copy of such person's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.

2. A registrant shall retain a copy of any document prepared for a person who uses the services of the fingerprinting service for not less than 3 years after the date of the last service performed for such person. At the end of that period, unless the person who uses the services of the fingerprinting service requests that the document be given to such person, the document may be destroyed



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1 *by the registrant. Any method of destruction used by a registrant*
2 *must ensure the complete and confidential destruction of the*
3 *document.*

4 **Sec. 19.** *A registrant shall provide a signed receipt to a*
5 *person who uses the services of the fingerprinting service for each*
6 *payment made to the registrant. The receipt must be printed or*
7 *typewritten on the letterhead of the registrant and must include the*
8 *name, business address and telephone number, registration*
9 *number and taxpayer identification number of the registrant.*

10 **Sec. 20.** *A registrant shall not, after the date of the last*
11 *service performed for a person who uses the services of the*
12 *fingerprinting service, retain any fees or costs for services not*
13 *performed or costs not incurred.*

14 **Sec. 21. 1.** *In addition to the regulations which the*
15 *Secretary of State is required to adopt pursuant to this chapter, the*
16 *Secretary of State may adopt any other regulations necessary to*
17 *carry out the provisions of this chapter.*

18 **2.** *The Secretary of State shall:*

19 *(a) Establish a toll-free telephone number which may be used*
20 *by any person to make a complaint about a registrant or an*
21 *alleged violation of this chapter.*

22 *(b) Post on the Internet website of the Secretary of State*
23 *information concerning making such a complaint, which must*
24 *include the telephone number established pursuant to paragraph*
25 *(a).*

26 **Sec. 22. 1.** *If the Secretary of State obtains information*
27 *that a provision of this chapter or a regulation or order adopted or*
28 *issued pursuant thereto has been violated by a registrant or*
29 *another person, the Secretary of State may conduct or cause to be*
30 *conducted an investigation of the alleged violation.*

31 **2.** *If, after investigation, the Secretary of State determines*
32 *that a violation has occurred, the Secretary of State may:*

33 *(a) Serve, by certified mail addressed to the person who has*
34 *committed the violation, a written order directing the person to*
35 *cease and desist from the conduct constituting the violation. The*
36 *order must notify the person that any willful violation of the order*
37 *may subject the person to prosecution and criminal penalties*
38 *pursuant to section 26 of this act.*

39 *(b) If a registrant has committed the violation, begin*
40 *proceedings pursuant to section 24 of this act to revoke or suspend*
41 *the registration of the registrant.*

42 *(c) Refer the alleged violation to the Attorney General or a*
43 *district attorney for commencement of a civil action against the*
44 *person pursuant to section 25 of this act.*



(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 26 of this act.

(e) Take any combination of the actions described in paragraphs (a) to (d), inclusive.

3. Any person who is aware of a violation of this chapter by a fingerprinting service, or person applying for registration as a fingerprinting service, may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

Sec. 23. The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.

Sec. 24. 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↳ that would disqualify the registrant from registration pursuant to subsection 2 of section 5 of this act.

Sec. 25. 1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the count in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than \$100 or more than \$5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such violation; or

(d) For any combination of the remedies described in this subsection.



2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 26. 1. Except as otherwise provided in subsection 2, a person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto is guilty of a category D felony and shall be punished as provided in NRS 193.130 if the offense results in irreparable harm to the person who uses the services of the fingerprinting service.

3. In addition to the penalties prescribed by subsection 1 or 2, the court may order a person described in subsection 1 or 2 to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

4. For the purposes of subsections 1, 2 and 3, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Sec. 27. Notwithstanding the provisions of sections 22 to 26, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of \$500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 28. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any



1 preliminary and administrative tasks necessary to carry out the
2 provisions of this act and on January 1, 2020, for all other purposes.

3 2. Sections 9 and 10 of this act expire by limitation on the date
4 on which the provisions of 42 U.S.C. § 666 requiring each state to
5 establish procedures under which the state has authority to withhold
6 or suspend, or to restrict the use of professional, occupational and
7 recreational licenses of persons who:

8 (a) Have failed to comply with a subpoena or warrant relating to
9 a proceeding to determine the paternity of a child or to establish or
10 enforce an obligation for the support of a child; or

11 (b) Are in arrears in the payment for the support of one or more
12 children,

13 ➡ are repealed by the Congress of the United States.

③⑩



* A B 4 2 5 *