

Amendment No. 514

Senate Amendment to Senate Bill No. 128 First Reprint	(BDR 54-518)
Proposed by: Senator Spearman	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 128 R1 (§ 4.05).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/EGO



Date: 4/22/2019

S.B. No. 128—Revises provisions governing the administration of occupational licensing boards. (BDR 54-518)



SENATE BILL NO. 128—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION)

PREFILED FEBRUARY 1, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the administration of occupational licensing boards. (BDR 54-518)

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 occupational licensing boards; revising provisions governing the registration by the Nevada State Board of Accountancy of partnerships, corporations, limited-liability companies and sole proprietorships; requiring the Board of Medical Examiners to report certain additional licensure information; requiring members of the Nevada Physical Therapy Board to attend certain training; ~~abolishing the State Barbers' Health and Sanitation Board and transferring its powers and duties to the State Board of Cosmetology;~~ providing for the issuance of a provisional license as an instructor in the practice of barbering; requiring the State Board of Cosmetology to adopt regulations to provide for the issuance of an endorsement to render shaving services on certain licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants practice privileges in this State to a natural person who holds a valid license as a certified public accountant in another state, territory or possession of the United States or the District of Columbia. (NRS 628.033, 628.315) Such a natural person is not required to obtain a certificate of certified public accountant or a permit to engage in the practice of public accounting from the Nevada State Board of Accountancy but is required to consent to certain specified conditions, including consent to the disciplinary authority of the Board. (NRS 628.315) **Section 3.15** of this bill extends the authority of the Board to grant such practice privileges to a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing from another state, territory or possession of the United States or the District of Columbia. Such a certified public accounting firm is not required to register with the Board, but is required to consent to the same conditions as natural persons, such as consent to the disciplinary authority of the Board. **Sections 3.1 and 3.25-3.85** of this bill make conforming changes. **Section 3.2** of this bill exempts certain entities whose sole business is preparing tax returns and related schedules from the requirement of registration.

Existing law requires the Board of Medical Examiners to maintain records pertaining to applicants to whom licenses have been issued or denied by the Board. (NRS 630.220) Existing law also requires the Board of Medical Examiners to report certain licensure information relating to veterans and service members. (NRS 417.0194, 622.120) **Section 3.9** of this bill requires the Board of Medical Examiners to submit an annual report to the Legislature containing certain information relating to applicants for licensure by endorsement by the Board who are members of the Armed Forces of the United States, veterans and certain family members of veterans or members of the Armed Forces of the United States.

Section 4 of this bill requires each new member of the Nevada Physical Therapy Board to attend certain training, which existing law requires the Attorney General to provide to members of occupational licensing boards. (NRS 622.200)

Existing law ~~authorizes~~ creates the State Barbers' Health and Sanitation Board to regulate the ~~profession of barbering. (NRS 643.010) Sections 4.1, 4.2 and subsection 2 of section 5 of this bill abolish the State Barbers' Health and Sanitation Board, effective 1 year after passage and approval of this bill, and transfer its powers and duties to regulate barbering to the State Board of Cosmetology.)~~ sanitary requirements for barbershops and barber schools and the conduct and course of study of barber schools. (NRS 643.020, 643.050) Section 4.05 of this bill establishes the requirements for a licensed barber to obtain a provisional license as an instructor and work while receiving the training. Section 4.25 of this bill prohibits an instructor from training more than two persons who each hold a provisional license as an instructor at the same time.

Existing law requires the State Board of Cosmetology to regulate the various branches of cosmetology, including the licensure of cosmetologists and hair designers. (Chapter 644A of NRS) Existing law requires the State Board of Cosmetology to adopt reasonable regulations for carrying out provisions of law relating to cosmetology. (NRS 644A.275) Sections 4.28 and 4.29 of this bill require the Board to adopt regulations to provide for the issuance of an endorsement to render shaving services on a license to practice cosmetology or a license to practice hair design. Sections 4.28 and 4.29 require these regulations to establish: (1) the manner in which to apply for such an endorsement; (2) the training required to obtain such an endorsement; and (3) procedures for the renewal of such an endorsement.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.1. NRS 628.023 is hereby amended to read as follows:

628.023 "Practice of public accounting" means the offering to perform or the performance by a holder of a live permit or a natural person or certified public accounting firm granted practice privileges pursuant to NRS 628.315, for a client or potential client, of one or more services involving the use of skills in accounting or auditing, one or more services relating to advising or consulting with clients on matters relating to management or the preparation of tax returns and the furnishing of advice on matters relating to taxes.

Sec. 3.15. NRS 628.315 is hereby amended to read as follows:

628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license in good standing as a certified public accountant or a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing from any state other than this State shall be deemed to be a certified public accountant or certified public accounting firm for all purposes under the laws of this State other than this chapter.

2. A natural person *or certified public accounting firm* granted practice privileges pursuant to subsection 1 is not required to obtain ~~[]~~, *as applicable:*

(a) A certificate pursuant to NRS 628.190; ~~[or]~~

(b) A permit pursuant to NRS 628.380 ~~[]~~; *or*

(c) *A registration pursuant to NRS 628.335.*

3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a *natural person or a certified public accounting firm granted practice privileges pursuant to subsection 1* shall be deemed to consent, as a condition of the grant of such practice privileges:

(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.

(b) To comply with the provisions of this chapter and the regulations of the Board.

(c) That, in the event that the license from the state wherein the ~~[a natural person's]~~ principal place of business *of the natural person or certified public accounting firm* is located becomes invalid ~~[the]~~ *or not in good standing:*

(1) *The natural person will cease offering or engaging in the practice of [professional] public accounting in this State individually and on behalf of a partnership, corporation, limited-liability company or sole proprietorship [] ; or*

(2) *The certified public accounting firm will cease offering or engaging in the practice of public accounting in this State.*

(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding *by the Board* relating to ~~[the]~~ :

(1) *The natural person or the partnership, corporation, limited-liability company or sole proprietorship [by the Board.*

~~4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335.] that employs the natural person; or~~

(2) *The certified public accounting firm.*

Sec. 3.2. NRS 628.335 is hereby amended to read as follows:

628.335 1. The Board shall grant or renew registration to a partnership, corporation ~~[]~~ *or* limited-liability company ~~[or sole proprietorship]~~ that demonstrates its qualifications therefor in accordance with this chapter.

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:

(a) Performs attest services;

(b) Performs compilation services;

(c) Is engaged in the practice of public accounting; *or*

(d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."

3. ~~[A]~~ *An entity that is organized as a* partnership, corporation ~~[]~~ *or* limited-liability company ~~[or sole proprietorship that does not have an office in this State:~~

~~—(a) Shall register with the Board if the partnership, corporation, limited liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~—(b) May practice public accounting, may perform compilation services or other professional services within the practice of public accounting other than attest services for a client having his or her home office in this State, may be styled and~~

known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board if:

(1) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited liability company or sole proprietorship;

(2) The partnership, corporation, limited liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;

(3) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and

(4) The partnership, corporation, limited liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in subparagraph (3) has his or her principal place of business.

4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:

(a) Which a partnership, corporation, limited liability company or sole proprietorship is required to register pursuant to subsection 2 or 3; or

(b) A partnership, corporation or limited liability company registered pursuant to the provisions of NRS 628.325.] *is not required to register with the Board pursuant to this section if:*

(a) *The entity is not styled or known as a firm of certified public accountants;*

(b) *The entity is not using the title or designation "certified public accountant" or the abbreviation "C.P.A."; and*

(c) *The sole business of the entity is preparing tax returns or schedules in support of tax returns.*

Sec. 3.25. NRS 628.340 is hereby amended to read as follows:

628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 must meet the following requirements:

(a) At least one general partner must be ~~either~~ a certified public accountant of this State in good standing . ~~[or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of ~~professional~~ **public** accounting in this State, must be a certified public accountant of this State in good standing.

(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be ~~either~~ a certified public accountant of this State in good standing . ~~[or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.

(e) Each manager in charge of an office of the partnership in this State must be ~~either~~ a certified public accountant of this State in good standing . ~~for a natural person granted practice privileges pursuant to NRS 628.315.]~~

(f) A corporation or limited-liability company which is registered pursuant to NRS 628.343 or 628.345 may be a partner, and a partnership which is registered pursuant to this section may be a general partner, in a partnership engaged in the practice of public accounting.

2. Application for registration must be made upon the affidavit of ~~either~~ a general partner who holds a live permit to practice in this State as a certified public accountant . ~~for, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.

Sec. 3.3. NRS 628.343 is hereby amended to read as follows:

628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.

(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of ~~some state~~ **this State** in good standing.

(c) At least one shareholder of the corporation must be ~~either~~ a certified public accountant of this State in good standing . ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be ~~either~~ a certified public accountant of this State in good standing . ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.

(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of ~~either~~ a shareholder who holds a live permit to practice in this State as a certified public accountant . ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words

1 “certified public accountants” or the abbreviation “C.P.A.’s” or “CPA’s” in
2 connection with its corporate name. Notice must be given to the Board within 1
3 month after the admission to or withdrawal of a shareholder from any corporation
4 so registered.

5 **Sec. 3.35.** NRS 628.345 is hereby amended to read as follows:

6 628.345 1. A limited-liability company required to register with the Board
7 pursuant to NRS 628.335 shall comply with the following requirements:

8 (a) The sole purpose and business of the limited-liability company must be to
9 furnish to the public services not inconsistent with this chapter or the regulations of
10 the Board, except that the limited-liability company may invest its money in a
11 manner not incompatible with the practice of public accounting.

12 (b) The manager, if any, of the limited-liability company must be a certified
13 public accountant of ~~some state~~ **this State** in good standing.

14 (c) At least one member of the limited-liability company must be ~~either~~ a
15 certified public accountant of this State in good standing . ~~for, if the limited liability~~
16 ~~company is required to register pursuant to paragraph (a) of subsection 3 of NRS~~
17 ~~628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

18 (d) Each person in charge of an office of the limited-liability company in this
19 State and each member who is regularly and personally engaged within this State in
20 the practice of public accounting must be ~~either~~ a certified public accountant of
21 this State in good standing . ~~for, if the limited liability company is required to~~
22 ~~register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person~~
23 ~~granted practice privileges pursuant to NRS 628.315.]~~

24 (e) In order to facilitate compliance with the provisions of this section relating
25 to the ownership of interests, there must be a written agreement binding the
26 members or the limited-liability company to purchase any interest offered for sale
27 by, or not under the ownership or effective control of, a qualified member.

28 (f) The limited-liability company shall comply with other regulations
29 pertaining to limited-liability companies practicing public accounting in this State
30 adopted by the Board.

31 2. Application for registration must be made upon the affidavit of the
32 manager or a member of the limited-liability company. The affiant must hold a live
33 permit to practice in this State as a certified public accountant . ~~for, if the limited-~~
34 ~~liability company is required to register pursuant to paragraph (a) of subsection 3 of~~
35 ~~NRS 628.335, be a natural person granted practice privileges pursuant to NRS~~
36 ~~628.315.]~~ The Board shall determine whether the applicant is eligible for
37 registration and may charge an initial fee and an annual renewal fee set by the
38 Board by regulation. A limited-liability company which is so registered may use the
39 words “certified public accountants” or the abbreviation “C.P.A.’s” or “CPA’s” in
40 connection with its name. Notice must be given to the Board within 1 month after
41 the admission to or withdrawal of a member from any limited-liability company so
42 registered.

43 **Sec. 3.4.** NRS 628.390 is hereby amended to read as follows:

44 628.390 1. After giving notice and conducting a hearing, the Board may
45 revoke, or may suspend for a period of not more than 5 years, any certificate issued
46 under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant
47 to NRS 628.315 ~~for 628.335~~ or any registration of a partnership, corporation,
48 limited-liability company, sole proprietorship or office, or may revoke, suspend or
49 refuse to renew any permit issued under NRS 628.380, or may publicly censure the
50 holder of any permit, certificate or registration or any natural person **or certified**
51 **public accounting firm** granted practice privileges pursuant to NRS 628.315, for
52 any one or any combination of the following causes:

1 (a) Fraud or deceit in obtaining a certificate as a certified public accountant or
2 in obtaining a permit to practice public accounting under this chapter.

3 (b) Dishonesty, fraud or gross negligence by a certified public accountant or a
4 natural person *or certified public accounting firm* granted practice privileges
5 pursuant to NRS 628.315.

6 (c) Violation of any of the provisions of this chapter.

7 (d) Violation of a regulation or rule of professional conduct adopted by the
8 Board under the authority granted by this chapter.

9 (e) Conviction of a felony relating to the practice of public accounting under
10 the laws of any state or jurisdiction.

11 (f) Conviction of any crime:

12 (1) An element of which is dishonesty or fraud; or

13 (2) Involving moral turpitude,

14 ➔ under the laws of any state or jurisdiction.

15 (g) Cancellation, revocation, suspension, placing on probation or refusal to
16 renew authority to practice as a certified public accountant by any other state, for
17 any cause. ~~[other than failure to pay an annual registration fee or to comply with~~
18 ~~requirements for continuing education or review of his or her practice in the other~~
19 ~~state.]~~

20 (h) Suspension, revocation or placing on probation of the right to practice
21 before any state or federal agency.

22 (i) Unless the person has been placed on inactive or retired status, failure to
23 obtain an annual permit under NRS 628.380, within:

24 (1) Sixty days after the expiration date of the permit to practice last
25 obtained or renewed by the holder of a certificate; or

26 (2) Sixty days after the date upon which the holder of a certificate was
27 granted the certificate, if no permit was ever issued to the person, unless the failure
28 has been excused by the Board.

29 (j) Conduct discreditable to the profession of public accounting or which
30 reflects adversely upon the fitness of the person to engage in the practice of public
31 accounting.

32 (k) Making a false or misleading statement in support of an application for a
33 certificate or permit of another person.

34 (l) Committing an act in another state or jurisdiction which would be subject to
35 discipline in that state.

36 2. After giving notice and conducting a hearing, the Board may deny an
37 application to take the examination prescribed by the Board pursuant to NRS
38 628.190, deny a person admission to such an examination, invalidate a grade
39 received for such an examination or deny an application for a certificate issued
40 pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

41 (a) Made any false or fraudulent statement, or any misleading statement or
42 omission relating to a material fact in an application:

43 (1) To take the examination prescribed by the Board pursuant to NRS
44 628.190; or

45 (2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

46 (b) Cheated on an examination prescribed by the Board pursuant to NRS
47 628.190 or any such examination taken in another state or jurisdiction of the United
48 States;

49 (c) Aided, abetted or conspired with any person in a violation of the provisions
50 of paragraph (a) or (b); or

51 (d) Committed any combination of the acts set forth in paragraphs (a), (b) and
52 (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than \$5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit or certificate or any natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 3.45. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 3.5. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

Sec. 3.55. NRS 628.460 is hereby amended to read as follows:

628.460 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation “certified public accountant” or the abbreviation “C.P.A.” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of certified public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~Performing services within the practice of public accounting~~ **Granted practice privileges** pursuant to the provisions of ~~subsection 3 of~~ NRS ~~628.335~~ **628.315**.

Sec. 3.6. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation “public accountant” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~Performing services within the practice of public accounting~~ **Granted practice privileges** pursuant to ~~the provisions of subsection 3 of~~ NRS ~~628.335~~ **628.315**.

Sec. 3.65. NRS 628.490 is hereby amended to read as follows:

628.490 1. Except as otherwise provided in subsection 2 and NRS 628.450 to 628.480, inclusive, a person, partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation “certified accountant,” or any other title or designation likely to be confused with “certified public accountant” or “public accountant,” or any of the abbreviations “C.A.” or “P.A.” or similar abbreviations likely to be confused with “C.P.A.”

2. ~~Anyone~~ **Any person, partnership, corporation, limited-liability company or sole proprietorship** who:

(a) Holds a live permit pursuant to NRS 628.380 or is registered as a partnership, corporation, limited-liability company or sole proprietorship pursuant to the provisions of this chapter and all of whose offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; **or**

(b) Has been granted practice privileges pursuant to NRS 628.315, ~~or~~ **—(c) Is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.**

➤ may hold himself or herself out to the public as an “accountant,” “auditor” or “certified public accountant.”

Sec. 3.7. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-

1 liability company or sole proprietorship, or any trade or assumed name used by the
2 person or by the partnership, corporation, limited-liability company or sole
3 proprietorship in business, with any wording indicating that he or she is an
4 accountant or auditor, or that the partnership, corporation, limited-liability company
5 or sole proprietorship is authorized to practice as an accountant or auditor or with
6 any wording indicating that the person or the partnership, corporation, limited-
7 liability company or sole proprietorship has expert knowledge in accounting or
8 auditing, to any accounting or financial statement, or attest to any accounting or
9 financial statement, unless:

10 (a) The person holds a live permit or the partnership, corporation, limited-
11 liability company or sole proprietorship is registered pursuant to NRS 628.335 and
12 all of the person's offices in this State for the practice of public accounting are
13 maintained and registered under NRS 628.370;

14 (b) The person is a natural person *or certified public accounting firm* granted
15 practice privileges pursuant to NRS 628.315. ~~[- or~~

16 ~~-(c) The partnership, corporation, limited liability company or sole~~
17 ~~proprietorship is performing services within the practice of public accounting~~
18 ~~pursuant to the provisions of subsection 3 of NRS 628.335.]~~

19 2. The provisions of subsection 1 do not prohibit:

20 (a) Any officer, employee, partner, principal or member of any organization
21 from affixing his or her signature to any statement or report in reference to the
22 financial affairs of that organization with any wording designating the position, title
23 or office which he or she holds in the organization.

24 (b) Any act of a public official or public employee in the performance of his or
25 her duties as such.

26 (c) Any person who does not hold a live permit from preparing a financial
27 statement or issuing a report if the statement or report, respectively, includes a
28 disclosure that:

29 (1) The person who prepared the statement or issued the report does not
30 hold a live permit issued by the Board; and

31 (2) The statement or report does not purport to have been prepared in
32 compliance with the professional standards of accounting adopted by the Board.

33 **Sec. 3.75.** NRS 628.520 is hereby amended to read as follows:

34 628.520 A person shall not sign or affix the name of a partnership,
35 corporation, limited-liability company or sole proprietorship with any wording
36 indicating that it is a partnership, corporation, limited-liability company or sole
37 proprietorship composed of accountants or auditors or persons having expert
38 knowledge or special expertise in accounting or auditing, to any accounting or
39 financial statement, or attest to any accounting or financial statement, unless the
40 partnership, corporation, limited-liability company or sole proprietorship is:

41 1. Registered pursuant to NRS 628.335 and all of its offices in this State for
42 the practice of public accounting are maintained and registered as required under
43 NRS 628.370; or

44 2. ~~[Performing services within the practice of public accounting]~~ *Granted*
45 *practice privileges* pursuant to ~~[the provisions of subsection 3 of]~~ NRS ~~[628.335.]~~
46 *628.315.*

47 **Sec. 3.8.** NRS 628.540 is hereby amended to read as follows:

48 628.540 1. Except as otherwise provided in subsection 2, a person,
49 partnership, corporation, limited-liability company or sole proprietorship shall not
50 engage in the practice of public accounting or hold himself, herself or itself out to
51 the public as an "accountant" or "auditor" by use of either or both of those words in
52 connection with any other language which implies that such a person or firm holds

1 a certificate, permit or registration or has special competence as an accountant or
2 auditor on any sign, card, letterhead or in any advertisement or directory unless:

3 (a) If a natural person, he or she holds a live permit or has been granted
4 practice privileges pursuant to NRS 628.315; or

5 (b) If a partnership, corporation, limited-liability company or sole
6 proprietorship, it is registered pursuant to NRS 628.335 or ~~is performing services~~
7 ~~within the practice of public accounting~~ *has been granted practice privileges*
8 pursuant to ~~the provisions of subsection 3 of~~ NRS ~~628.335.~~ *628.315.*

9 2. The provisions of subsection 1 do not prohibit:

10 (a) Any officer, employee, partner, shareholder, principal or member of any
11 organization from describing himself or herself by the position, title or office he or
12 she holds in that organization.

13 (b) Any act of a public official or public employee in the performance of his or
14 her duties as such.

15 **Sec. 3.85.** NRS 628.550 is hereby amended to read as follows:

16 628.550 1. A person shall not assume or use the title or designation
17 “certified public accountant” or “public accountant” in conjunction with names
18 indicating or implying that there is a partnership, corporation or limited-liability
19 company, or in conjunction with the designation “and Company” or “and Co.” or a
20 similar designation, if there is in fact no bona fide partnership, corporation or
21 limited-liability company:

22 (a) Registered under NRS 628.335; or

23 (b) ~~Performing services within the practice of public accounting~~ *Granted*
24 *practice privileges* pursuant to ~~the provisions of subsection 3 of~~ NRS ~~628.335.~~
25 *628.315.*

26 2. A person, partnership, corporation or limited-liability company shall not
27 engage in the practice of public accounting under any name which is misleading as
28 to:

29 (a) The legal form of the firm;

30 (b) The persons who are partners, officers, shareholders or members; or

31 (c) Any other matter.

32 ➤ The names of past partners, shareholders or members may be included in the
33 name of a firm or its successors.

34 **Sec. 3.9.** NRS 630.220 is hereby amended to read as follows:

35 630.220 1. The Board shall maintain records pertaining to applicants to
36 whom licenses or permits have been issued or denied. The records must be open to
37 the public and must include:

38 ~~1.~~ (a) The name of each applicant.

39 ~~2.~~ (b) The name of the school granting the diploma to the applicant.

40 ~~3.~~ (c) The date of the diploma.

41 ~~4.~~ (d) The address of the applicant.

42 ~~5.~~ (e) The date of issuance or denial of the license.

43 2. *On or before January 31 of each year, the Executive Director of the*
44 *Board shall compile a report on the number of:*

45 (a) *Members of the Armed Forces of the United States, spouses of such*
46 *members, veterans and surviving spouses of deceased veterans who applied for*
47 *licensure by endorsement to the Board during the immediately preceding year;*

48 (b) *Such licenses issued;*

49 (c) *Such licenses denied and the reasons for denial; and*

50 (d) *Days taken by the Board to process each such application.*

51 3. *On or before January 31 of each year, the Executive Director of the*
52 *Board shall submit to the Director of the Legislative Counsel Bureau for*

transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, the report required pursuant to subsection 2.

Sec. 4. NRS 640.030 is hereby amended to read as follows:

640.030 1. The Nevada Physical Therapy Board, consisting of five members appointed by the Governor, and any nonvoting advisory members appointed by the Board pursuant to NRS 640.055, is hereby created.

2. The Governor shall appoint:

(a) Three members who are licensed physical therapists in the State of Nevada.

(b) One member who is a licensed physical therapist assistant in the State of Nevada.

(c) One member who is a representative of the general public. This member must not be:

(1) A physical therapist or a physical therapist assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a physical therapist or a physical therapist assistant.

3. No member of the Board may serve more than two consecutive terms.

4. The Governor may remove any voting member of the Board for incompetency, neglect of duty, gross immorality or malfeasance in office.

5. A majority of the voting members of the Board constitutes a quorum.

6. No member of the Board may be held liable in a civil action for any act which he or she has performed in good faith in the execution of his or her duties under this chapter.

7. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

8. Each member of the Board, as soon as practicable after being first appointed to serve as a member of the Board, shall attend the training provided by the Office of the Attorney General pursuant to NRS 622.200.

Sec. 4.05. Chapter 643 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or the equivalent;

(b) Has practiced as a full-time licensed barber for at least 3 years and submits written verification of his or her experience;

(c) Is licensed as a barber pursuant to this chapter;

(d) Applies for the provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not more than \$210 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of instruction required pursuant to NRS 643.1775 for a license as an instructor.

4. A provisional license as an instructor expires upon the completion by the licensee of the number of hours of instruction required pursuant to NRS 643.1775 for a license as an instructor or 1 year after the date of issuance of the provisional license, whichever occurs first. The Board may grant an extension of the expiration of the provisional license of not more than 45 days to provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 4.1. ~~NRS 643.010 is hereby amended to read as follows:~~

~~643.010 As used in this chapter, unless the context otherwise requires:~~

~~1. "Barber school" includes a school of barbering, college of barbering and any other place or institution of instruction training persons to engage in the practice of barbering.~~

~~2. "Barbershop" means any establishment or place of business where the practice of barbering is engaged in or carried on.~~

~~3. "Board" means the State [Barbers' Health and Sanitation] Board [.] of Cosmetology created by NRS 644A.200.~~

~~4. "Instructor" means any person who is licensed by the Board pursuant to the provisions of this chapter to instruct the practice of barbering in a barber school.~~

~~5. "Licensed apprentice" means a person who is licensed to engage in the practice of barbering as an apprentice pursuant to the provisions of this chapter.~~

~~6. "Licensed barber" means a person who is licensed to engage in the practice of barbering pursuant to the provisions of this chapter.~~

~~7. "Practice of barbering" means any of the following practices for cosmetic purposes:~~

~~(a) Shaving or trimming the beard, cutting or trimming the hair, or hair weaving.~~

~~(b) Giving massages of the face or scalp or treatments with oils, creams, lotions or other preparations, by hand or mechanical appliances.~~

~~(c) Singeing, shampooing or dyeing the hair, or applying hair tonics.~~

~~(d) Applying cosmetic preparations, antiseptics, powders, oils or lotions to the scalp, face or neck.~~

~~(e) Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a hairpiece or wig, whether made of human hair or synthetic material. This does not restrict any establishment from setting or styling a hairpiece or wig in preparation for retail sale.~~

~~8. "Student" means a person receiving instruction in a barber school.]~~
~~(Deleted by amendment.)~~

Sec. 4.2. [NRS 643.060 is hereby amended to read as follows:

~~643.060 1. Except as otherwise provided in subsection 3, money received by the Board under this chapter must be [paid to the Secretary-Treasurer of the Board, who shall deposit the money] deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada . [and give a receipt for it.]~~

~~2. The money must be expended in accordance with the provisions of this chapter for all necessary and proper expenses in carrying out the provisions of this chapter and upon proper claims approved by the Board.~~

~~3. The Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fees or the costs of an investigation, or both.] (Deleted by amendment.)~~

Sec. 4.25. NRS 643.177 is hereby amended to read as follows:

~~643.177 1. Any person who owns, manages, operates or controls any barber school, or part thereof:~~

~~(1) (a) Shall:~~

~~(a) (I) Display a sign that may be easily seen upon entering the barber school on which is printed in bold letters "Work Performed Exclusively by Students";~~

~~(b) (2) Have at least:~~

~~(1) (I) One instructor on the premises of the barber school at all times if the active enrollment of the school is 20 students or less;~~

~~(2) (II) One additional instructor on the premises of the barber school for each 20 students enrolled in the school in excess of 20 students;~~

~~[(2)]~~ [(III)] Two instructors available to provide instruction at all times; and
~~[(4)]~~ [(IV)] One barber's chair for each student present during instruction in the barber school;

~~[(e)]~~ [(3)] Not allow a student to provide barbering services to members of the general public for more than 7 hours in a day or for more than 5 days in any 7-day period;

~~[(d)]~~ [(4)] Not advertise that the barber school will charge for barbering services provided to members of the general public by students unless those barbering services are specifically advertised as services provided by students; and

~~[(e)]~~ [(5)] Comply with all other provisions of this chapter relating to barber schools.

~~[(2)]~~ [(b)] May charge for barbering services provided to a member of the general public by a student if the student performs those barbering services as part of the required course of study of the barber school.

2. An instructor shall not provide instruction to more than two persons who each hold a provisional license as an instructor at the same time.

Sec. 4.27. Chapter 644A of NRS is hereby amended by adding thereto the provisions set forth as sections 4.28 and 4.29 of this act.

Sec. 4.28. The Board shall adopt regulations to provide for the issuance of an endorsement on a license to practice cosmetology which allows a licensed cosmetologist to render shaving services. Such regulations must establish, without limitation:

1. The manner in which to apply for an endorsement;

2. The training required to obtain an endorsement; and

3. Procedures for the renewal of an endorsement.

Sec. 4.29. The Board shall adopt regulations to provide for the issuance of an endorsement on a license to practice hair design which allows a licensed hair designer to render shaving services. Such regulations must establish, without limitation:

1. The manner in which to apply for an endorsement;

2. The training required to obtain an endorsement; and

3. Procedures for the renewal of an endorsement.

~~Sec. 4.3. [1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.~~

~~— 2. Any contracts or other agreements entered into by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.~~

~~— 3. Any action taken by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.] (Deleted by amendment.)~~

Sec. 4.4. [The State Barbers' Health and Sanitation Board created by NRS 643.020, as that section exists on the effective date of this section, shall not expend any money pursuant to subsection 2 of NRS 643.060 without the approval of the State Board of Cosmetology created by NRS 644A.200.] (Deleted by amendment.)

1 **Sec. 4.5.** ~~[The State Board of Cosmetology created by NRS 644A.200 shall~~
2 ~~adopt regulations and perform any other preparatory administrative tasks that are~~
3 ~~necessary to carry out the provisions of section 4.1 of this act not later than 1 year~~
4 ~~after the effective date of this section.] (Deleted by amendment.)~~

5 **Sec. 4.6.** ~~[A person who, on the effective date of this section, is the holder of~~
6 ~~a valid license issued pursuant to chapter 643 of NRS shall be deemed to hold a~~
7 ~~license issued by the State Board of Cosmetology created by NRS 644A.200~~
8 ~~pursuant to chapter 643 of NRS.] (Deleted by amendment.)~~

9 **Sec. 4.7.** The provisions of subsection 1 of NRS 218D.380 do not apply to
10 any provision of this act which adds or revises a requirement to submit a report to
11 the Legislature.

12 **Sec. 4.8.** ~~[]~~ NRS 628.017 is hereby repealed.

13 ~~[2. NRS 643.020, 643.030, 643.040 and 643.055 are hereby repealed.]~~

14 **Sec. 5.** 1. This section and sections ~~[4.4]~~ 4.05 and ~~[4.5]~~ 4.25 of this act
15 become effective upon passage and approval.

16 2. Sections 3.9, 4. 4.27, 4.28, 4.29 and 4.7 of this act become effective on
17 July 1, 2019.

18 3. Sections 3.1 to 3.85, inclusive, and ~~[subsection 1 of section]~~ 4.8 of this act
19 become effective upon passage and approval for the purpose of adopting any
20 regulations and performing any other preparatory administrative tasks that are
21 necessary to carry out those provisions and on January 1, 2020, for all other
22 purposes.

23 ~~[4. Sections 4.1, 4.2, 4.3 and 4.6 and subsection 2 of section 4.8 of this act~~
24 ~~become effective 1 year after passage and approval.]~~

~~[LEADLINES]~~ TEXT OF REPEALED [SECTIONS] SECTION

628.017 “Home office” defined. “Home office” means the location
specified by a client of an accountant as the address of an entity for which the
accountant practices public accounting, performs an attestation or compilation
or performs other professional services within the practice of public
accounting.

~~[643.020 Creation; qualifications and removal of members;~~

~~643.030 Election of officers; salary of officers and members; per diem~~
~~allowance and travel expenses of officers, members and employees; duties of~~
~~Secretary-Treasurer;~~

~~643.040 Meetings; quorum; seal; quarters;~~

~~643.055 Fiscal year.]~~