

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; authorizing certain occupational licensing boards to contract for the acceptance of credit cards, debit cards or electronic transfers of money for certain payments or to participate in such a contract entered into by the Director of the Office of Finance; revising provisions governing the forms of payment authorized to be accepted by the State Board of Landscape Architecture; revising provisions governing the review of complaints filed with the State Board of Landscape Architecture; requiring members of the Nevada Physical Therapy Board to attend certain training; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes certain state agencies to enter into a contract with  
2 issuers of credit cards or debit cards, or with operators of systems that provide for  
3 the electronic transfer of money, to provide for the acceptance of credit cards, debit  
4 cards or electronic transfers of money by such state agencies. (NRS 353.1465,  
5 353.1466) **Section 1** of this bill authorizes certain occupational licensing boards to  
6 enter into such contracts with issuers of credit cards or debit cards, or with  
7 operators of systems that provide for the electronic transfer of money, to provide  
8 for the acceptance of such forms of payment by such occupational licensing boards  
9 or to participate in such a contract entered into by the Director of the Office of  
10 Finance. **Section 2** of this bill makes a conforming change to specifically authorize



\* S B 1 2 8 \*

the State Board to accept credit cards, debit cards and electronic transfers of money in addition to checks, cashier's checks and money orders.

Existing law requires the President or a designated member of the State Board of Landscape Architecture to consider each complaint filed with the State Board and make a recommendation to the State Board if it appears further proceedings are warranted. (NRS 623A.305) **Section 3** of this bill requires the Executive Director of the State Board to perform such duties.

**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)

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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. A licensing board may:*

*(a) Enter into a contract with an issuer of credit cards or debit cards or an operator of a system that provides for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the licensing board; or*

*(b) Upon approval of the Director of the Office of Finance, participate in a contract entered into by the Director pursuant to NRS 353.1466.*

*2. If the issuer or operator charges the licensing board a fee for each use of a credit card or debit card or for each electronic transfer of money, the licensing board may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee when appropriate and authorized. The total convenience fees charged by the licensing board in a fiscal year must not exceed the total amount of fees charged to the licensing board by the issuer or operator in that fiscal year.*

*3. As used in this section:*

*(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.*

*(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to a licensing board for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.*

*(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.*



(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.

(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or a debit card.

(g) "Licensing board" means a board created by the provisions of chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.

Sec. 2. NRS 623A.240 is hereby amended to read as follows:

623A.240 1. The following fees must be prescribed by the Board and must not exceed the following amounts:

Application fee .....	\$200.00
Examination fee.....	100.00,
	plus the actual
	cost of the
	examination
Certificate of registration.....	25.00
Annual renewal fee.....	200.00
Reinstatement fee .....	300.00
Delinquency fee.....	50.00
Change of address fee.....	10.00
Copy of a document, per page .....	.25

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

3. The Board may authorize a landscape architect intern to pay the application fee or any portion of that fee during any period in which he or she is the holder of a certificate to practice as a landscape architect intern. If a landscape architect intern pays the fee or any portion of the fee during that period, the Board shall credit the amount paid towards the entire amount of the application fee for the certificate of registration required pursuant to this section.

4. The fees prescribed by the Board pursuant to this section must be paid in United States currency in the form of a check, cashier's check or money order ~~or~~ *or, if the Board has entered into or is participating in a contract pursuant to section 1 of this act, in any other form of payment authorized pursuant to section 1 of this*



1 *act.* If any ~~feek~~ *form of payment* submitted to the Board is  
2 dishonored upon presentation for payment, repayment of the fee,  
3 including the fee for ~~feek~~ *any* returned ~~feek~~ *payment* in the  
4 amount established by the State Controller pursuant to NRS  
5 353C.115, must be made by money order or certified check.

6 5. The fees prescribed by the Board pursuant to this section are  
7 nonrefundable.

8 **Sec. 3.** NRS 623A.305 is hereby amended to read as follows:

9 623A.305 1. When a complaint is filed with the Executive  
10 Director of the Board, it must be considered by the ~~President~~  
11 *Executive Director* of the Board . ~~for a member of the Board~~  
12 ~~designated by the President.~~ If it appears to the ~~President or the~~  
13 ~~person designated by the President~~ *Executive Director*  
14 that further proceedings are warranted, he or she shall report the results of the  
15 investigation together with a recommendation to the Board in a  
16 manner which does not violate the right of the person charged in the  
17 complaint to due process in any later hearing on the complaint.

18 2. The Board shall promptly make a determination with respect  
19 to each complaint reported to it by the ~~President or a person~~  
20 ~~designated by the President~~ *Executive Director* and shall dismiss  
21 the complaint or proceed with disciplinary action pursuant to  
22 chapter 622A of NRS.

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

24 640.030 1. The Nevada Physical Therapy Board, consisting  
25 of five members appointed by the Governor, and any nonvoting  
26 advisory members appointed by the Board pursuant to NRS  
27 640.055, is hereby created.

28 2. The Governor shall appoint:

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

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

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

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

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

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

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

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



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

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

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

11       **Sec. 5.** This act becomes effective on July 1, 2019.

