

SENATE BILL NO. 323—SENATOR DENIS

MARCH 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the attorney’s fees and costs which may be recovered by certain regulatory bodies which administer occupational licensing. (BDR 54-905)

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 regulatory bodies; revising provisions governing the attorney’s fees and costs which may be recovered by certain regulatory bodies from persons who violate laws or regulations enforced by such regulatory bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as “regulatory bodies.” (NRS 622.060) Under existing law, if a person violates a provision of existing law or regulations that a regulatory body has the authority to enforce, the regulatory body is authorized to recover reasonable attorney’s fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings. (NRS 622.400) This bill eliminates the authority of a regulatory body to recover such fees and costs unless the regulatory body submits an itemized statement of the fees and costs to the person who was subject to the investigative, administrative or disciplinary proceeding.

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

Section 1. (Deleted by amendment.)



* S B 3 2 3 R 1 *

Sec. 2. NRS 622.400 is hereby amended to read as follows:

622.400 1. ~~[A]~~ *Except as otherwise provided in this section,*
a regulatory body may recover from a person reasonable attorney's
fees and costs that are incurred by the regulatory body as part of its
investigative, administrative and disciplinary proceedings against
the person if the regulatory body:

(a) Enters a final order in which it finds that the person has
violated any provision of this title which the regulatory body has the
authority to enforce, any regulation adopted pursuant thereto or any
order of the regulatory body; or

(b) Enters into a consent or settlement agreement in which the
regulatory body finds or the person admits or does not contest that
the person has violated any provision of this title which the
regulatory body has the authority to enforce, any regulation adopted
pursuant thereto or any order of the regulatory body.

2. *A regulatory body may not recover any attorney's fees and
costs pursuant to subsection 1 from a person who was subject to
an investigative, administrative or disciplinary proceeding of the
regulatory body unless the regulatory body submits an itemized
statement of the fees and costs to the person.*

3. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone
calls and postage and delivery.

(c) Fees for court reporters at any depositions or hearings.

(d) Fees for expert witnesses and other witnesses at any
depositions or hearings.

(e) Fees for necessary interpreters at any depositions or
hearings.

(f) Fees for service and delivery of process and subpoenas.

(g) Expenses for research, including, without limitation,
reasonable and necessary expenses for computerized services for
legal research.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

