

ASSEMBLY BILL NO. 61—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to trade practices.
(BDR 52-424)

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 trade practices; increasing penalties for certain offenses relating to the use of a device for automatic dialing and announcing; establishing certain practices as deceptive trade practices; authorizing the imposition of additional civil penalties for certain deceptive trade practices in certain actions and proceedings under certain circumstances; revising provisions relating to certain administrative hearings; revising the penalties for willfully and knowingly engaging in a deceptive trade practice; eliminating the statute of limitations for certain civil actions involving deceptive trade practices which are brought by the Attorney General; authorizing the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to have access to certain records; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law defines activities that constitute deceptive trade practices and
- 2 provides for the imposition of civil and criminal penalties against persons who
- 3 engage in deceptive trade practices. (Chapter 598 of NRS) **Sections 1, 3, 6.5, 7 and**
- 4 **19** of this bill establish certain additional activities as deceptive trade practices.



Existing law makes it a misdemeanor to use a device for automatic dialing and announcing to disseminate a prerecorded message in a telephone call under certain circumstances. (NRS 597.814, 597.818) **Section 1** of this bill revises the punishment for such action to make: (1) the first offense a misdemeanor; (2) the second offense a gross misdemeanor; and (3) the third or subsequent offense a category E felony. Additionally, **section 1** provides that such action constitutes a deceptive trade practice and provides for a civil penalty of not more than \$10,000.

Section 3 of this bill makes it a deceptive trade practice to sell, rent or offer to sell or rent certain goods and services during a state of emergency or declaration of disaster that has been in effect for 75 days or less for a price that is grossly in excess of the usual price for that good or service. **Section 3** sets forth certain criteria for determining whether a price for a good or service is grossly in excess of its usual price. **Section 3.5** of this bill requires the Attorney General to prepare a report for each state of emergency or declaration of disaster concerning complaints received by the Attorney General of deceptive trade practices of the type described in **section 3**.

Existing law makes it a deceptive trade practice to engage in certain actions during a solicitation by telephone or sales presentation. (NRS 598.0918) **Section 6.5** of this bill: (1) expands the circumstances under which such actions constitute a deceptive trade practice to include a solicitation by text message; and (2) makes it a deceptive trade practice to engage in certain additional actions during a solicitation by telephone or text message or during a sales presentation. **Section 7** of this bill makes it a deceptive trade practice to use an "unconscionable practice" in a transaction. **Sections 32-35** of this bill make conforming changes to reflect the addition of the provisions of **section 7**.

Existing law imposes certain requirements on certain entities that handle personal nonpublic information relating to the security of such information. (NRS 603A.010-603A.290) **Section 19** of this bill makes it a deceptive trade practice to violate any of these requirements.

Existing law authorizes the Director of the Department of Business and Industry to impose certain penalties upon a person who has engaged in a deceptive trade practice after a hearing that is initiated by the Commissioner of Consumer Affairs serving an order upon the person. (NRS 598.0971) **Section 12** of this bill authorizes the Attorney General to also initiate such a hearing before the Director and provides additional means for serving an order upon a person. If a person fails to comply with an order issued by the Director or his or her designee, existing law authorizes the Commissioner or the Director, through the Attorney General, to bring an action requesting a court enforce the order and requires the court to issue an order enforcing the order of the Director or his or her designee if the court makes certain findings. (NRS 598.0971) **Section 12**: (1) additionally authorizes the Attorney General to bring an action requesting a court to enforce an order issued by the Director or his or her designee; and (2) requires the court to issue an order enforcing the order of the Director or his or her designee if the court finds that the person has failed to comply with the order.

Existing law authorizes a court, in certain actions relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of \$12,500 if the court finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) **Section 13** of this bill authorizes such a civil penalty to be imposed by the Director or his or her designee in a proceeding before the Director or his or her designee. **Section 5** of this bill similarly authorizes the imposition of an additional maximum civil penalty in certain actions or proceedings if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward a person who is 17 years of age or younger.



Section 17 of this bill revises the criminal penalties imposed for engaging in a deceptive trade practice. Under **section 17**, knowingly and willfully engaging in a deceptive trade practice is a misdemeanor, except if the offense involves a loss of property or services of at least \$1,200. For those offenses, **section 17** establishes a tier of penalties based on the value of the property or services which generally mirror the penalties for theft. (NRS 205.0835, 598.0999)

Existing law requires, in general, a civil action against a person alleged to have committed a deceptive trade practice to be commenced within 4 years. (NRS 11.190) **Sections 25 and 26** of this bill create an exception to this requirement for actions brought by the Attorney General. **Section 25** provides that there is no limitation on the time in which a civil action brought by the Attorney General against a person alleged to have committed a deceptive trade practice is required to be commenced.

Section 31 of this bill authorizes the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to have access to all records in the possession of any agency, board or commission of this State that he or she determines are necessary to exercise his or her powers relating to consumer protection.

Sections 6, 8-11, 14-16, 21, 22 and 27 of this bill make conforming changes to indicate the proper placement of language added to the Nevada Revised Statutes by this bill.

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

Section 1. NRS 597.818 is hereby amended to read as follows:
597.818 1. A person who violates any provision of NRS 597.814 is guilty of :

(a) *For a first offense*, a misdemeanor.

(b) *For a second offense*, a gross misdemeanor.

(c) *For a third and any subsequent offense*, a category E felony and shall be punished as provided in NRS 193.130.

2. If a person is found guilty or guilty but mentally ill of, or has pleaded guilty, guilty but mentally ill or nolo contendere to, violating any provision of NRS 597.814, his or her telephone service to which a device for automatic dialing and announcing has been connected must be suspended for a period determined by the court.

3. *In addition to any other penalty, a person who violates any provision of NRS 597.814 is subject to a civil penalty of not more than \$10,000 for each violation.*

4. *A violation of any provision of NRS 597.814 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive, and sections 3, 3.5 and 5 of this act.*

Sec. 2. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 3.5 and 5 of this act.

Sec. 3. 1. *A person engages in a "deceptive trade practice" when, during a state of emergency or declaration of disaster*



1 *proclaimed pursuant to NRS 414.070 that has been in effect for 75*
2 *days or less, the person sells, rents or offers to sell or rent any of*
3 *the following goods or services in an emergency or disaster area*
4 *for a price that is grossly in excess of the usual price for that good*
5 *or service:*

6 *(a) Consumer goods and services used, bought or rendered*
7 *primarily for personal, family or household purposes;*

8 *(b) Medical supplies and services used for the care, cure,*
9 *mitigation, treatment or prevention of any illness or disease;*

10 *(c) Services related to the repair or reconstruction of property;*
11 *or*

12 *(d) Any other goods or services that are commonly used in*
13 *responding to the type of emergency or disaster for which the state*
14 *of emergency or declaration of disaster was proclaimed.*

15 *2. Whether a price for a good or service is grossly in excess of*
16 *the usual price for that good or service for the purposes of*
17 *subsection 1 is a question of law to be determined by considering*
18 *all relevant circumstances, including, without limitation, the price*
19 *of the good or service prevailing in the emergency or disaster area*
20 *in the 30 days before the state of emergency or declaration of*
21 *disaster was proclaimed.*

22 *3. A price for a good or service is not grossly in excess of the*
23 *usual price for that good or service for the purposes of subsection*
24 *1 if the price is:*

25 *(a) Related to an additional or increased cost imposed by a*
26 *supplier of a good or other costs of providing the good or service,*
27 *including, without limitation, an additional or increased cost for*
28 *labor or materials used to provide a service;*

29 *(b) For a good or service which is sold, rented or offered to be*
30 *sold or rented for a price that:*

31 *(1) Does not exceed \$250, 15 percent or less above the*
32 *usual price for the good or service;*

33 *(2) Exceeds \$250 but does not exceed \$750, 10 percent or*
34 *less above the usual price for the good or service; or*

35 *(3) Exceeds \$750, 5 percent or less above the usual price of*
36 *the good or service;*

37 *(c) Ten percent or less above the sum of the costs to the person*
38 *and the normal markup for a good or service;*

39 *(d) Generally consistent with seasonal fluctuations or*
40 *fluctuations in applicable commodity, regional, national or*
41 *international markets; or*

42 *(e) A contract price, or the result of a price formula,*
43 *established before the state of emergency or declaration of disaster*
44 *was proclaimed.*



4. A person who offers to sell or rent a good or service for a price that would otherwise violate subsection 1 does not commit a “deceptive trade practice” if the offer states that the good or service is not offered for sale or rent in the emergency or disaster area.

5. The provisions of this section do not apply to:

(a) A transaction for the sale or rental of a good or service which occurs wholly outside the State; or

(b) A person who does not control the location or price at which a good or service is sold or rented.

6. As used in this section:

(a) “Emergency or disaster area” means a particular geographic area that is described in a proclamation of a state of emergency or declaration of disaster by the Governor or Legislature pursuant to NRS 414.070.

(b) “Usual price” means:

(1) If a person sold, rented or offered to sell or rent a good or service at a price other than as described in subparagraph (2) in an emergency or disaster area within the 30 days before the state of emergency or declaration of disaster was proclaimed pursuant to NRS 414.070, the price at which the person sold, rented or offered to sell or rent the good or service.

(2) If a person sold, rented or offered to sell or rent a good or service at a reduced price in an emergency or disaster area within the 30 days before the state of emergency or declaration of disaster was proclaimed pursuant to NRS 414.070, the price at which the person usually sells, rents or offers to sell or rent the good or service in the emergency or disaster area.

(3) If a person did not sell, rent or offer to sell or rent a good or service in an emergency or disaster area within the 30 days before the state of emergency or declaration of disaster was proclaimed pursuant to NRS 414.070, the price at which the good or service was generally available in the emergency or disaster area in the 30 days before the state of emergency or declaration of disaster was proclaimed.

Sec. 3.5. For each state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070, the Attorney General shall prepare a report containing aggregate data or information concerning the number and type of complaints received by the Attorney General during the emergency or disaster that relate to the commission of a deceptive trade practice of the type described in section 3 of this act. The Attorney General shall cause the report to be posted on the Internet website of the Attorney General not later than 30 days after the earlier of:



1 1. *The termination of the state of emergency or declaration of*
2 *disaster by the Governor or the Legislature pursuant to NRS*
3 *414.070; or*

4 2. *The 75th day that the state of emergency or declaration of*
5 *disaster is in effect.*

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

7 **Sec. 5.** 1. *Except as otherwise provided in NRS 598.0974,*
8 *in any action or proceeding brought pursuant to this section and*
9 *NRS 598.0903 to 598.0999, inclusive, and sections 3 and 3.5 of*
10 *this act, if the court or the Director or his or her designee finds*
11 *that a person has engaged in a deceptive trade practice directed*
12 *toward a minor person, the court or the Director or his or her*
13 *designee may, in addition to any other civil or criminal penalty,*
14 *impose a civil penalty of not more than \$12,500 for each violation.*

15 2. *In determining whether to impose a civil penalty pursuant*
16 *to subsection 1, the court or the Director or his or her designee*
17 *shall consider whether:*

18 (a) *The conduct of the person was in disregard of the rights of*
19 *the minor person;*

20 (b) *The person knew or should have known that his or her*
21 *conduct was directed toward a minor person;*

22 (c) *The minor person was more vulnerable to the conduct of*
23 *the person because of the age of the minor person;*

24 (d) *The conduct of the person caused the minor person to*
25 *suffer actual and substantial physical, emotional or economic*
26 *damage;*

27 (e) *The conduct of the person caused the minor person to*
28 *suffer:*

29 (1) *Mental or emotional anguish;*

30 (2) *The loss of money or financial support received from*
31 *any source;*

32 (3) *The loss of property that had been set aside for*
33 *education or for personal or family care and maintenance;*

34 (4) *The loss of assets which are essential to the health and*
35 *welfare of the minor person; or*

36 (5) *Any other interference with the economic well-being of*
37 *the minor person; or*

38 (f) *Any other factors that the court or the Director or his or*
39 *her designee deems to be appropriate.*

40 3. *As used in this section, "minor person" means a person*
41 *who is 17 years of age or younger.*

42 **Sec. 6.** NRS 598.0903 is hereby amended to read as follows:

43 598.0903 As used in NRS 598.0903 to 598.0999, inclusive,
44 *and sections 3, 3.5 and 5 of this act,* unless the context otherwise
45 requires, the words and terms defined in NRS 598.0905 to



1 598.0947, inclusive, *and section 3 of this act* have the meanings
2 ascribed to them in those sections.

3 **Sec. 6.5.** NRS 598.0918 is hereby amended to read as follows:

4 598.0918 A person engages in a “deceptive trade practice” if,
5 during a solicitation by telephone *or text message* or *during a* sales
6 presentation, he or she:

7 1. Uses threatening, intimidating, profane or obscene language;

8 2. Repeatedly or continuously conducts the solicitation or
9 presentation in a manner that is considered by a reasonable person to
10 be annoying, abusive or harassing;

11 3. Solicits a person by telephone at his or her residence
12 between 8 p.m. and 9 a.m.;

13 4. Blocks or otherwise intentionally circumvents any service
14 used to identify the caller when placing an unsolicited telephone
15 call; ~~for~~

16 5. Places an unsolicited telephone call that does not allow a
17 service to identify the caller by the telephone number or name of the
18 business, unless such identification is not technically feasible ~~for~~; *or*

19 *6. Defrauds a person of any valuable thing, wrongfully*
20 *obtains from a person any valuable thing or otherwise causes*
21 *harm to a person by knowingly causing, directly or indirectly, any*
22 *service used in connection with a voice service or text messaging*
23 *service to identify the caller or sender of the text message to*
24 *display inaccurate or misleading information.*

25 **Sec. 7.** NRS 598.0923 is hereby amended to read as follows:

26 598.0923 **1.** A person engages in a “deceptive trade practice”
27 when in the course of his or her business or occupation he or she
28 knowingly:

29 ~~1.1~~ *(a)* Conducts the business or occupation without all
30 required state, county or city licenses.

31 ~~1.2~~ *(b)* Fails to disclose a material fact in connection with the
32 sale or lease of goods or services.

33 ~~1.3~~ *(c)* Violates a state or federal statute or regulation relating
34 to the sale or lease of goods or services.

35 ~~1.4~~ *(d)* Uses coercion, duress or intimidation in a transaction.

36 ~~1.5~~ *(e) Uses an unconscionable practice in a transaction.*

37 *(f)* As the seller in a land sale installment contract, fails to:

38 ~~1.a~~ *(I)* Disclose in writing to the buyer:

39 ~~1.4~~ *(I)* Any encumbrance or other legal interest in the real
40 property subject to such contract; or

41 ~~1.2~~ *(II)* Any condition known to the seller that would
42 affect the buyer’s use of such property.

43 ~~1.b~~ *(2)* Disclose the nature and extent of legal access to the
44 real property subject to such agreement.



~~[(e)]~~ (3) Record the land sale installment contract pursuant to NRS 111.315 within 30 calendar days after the date upon which the seller accepts the first payment from the buyer under such a contract.

~~[(d)]~~ (4) Pay the tax imposed on the land sale installment contract pursuant to chapter 375 of NRS.

~~[(e)]~~ (5) Include terms in the land sale installment contract providing rights and protections to the buyer that are substantially the same as those under a foreclosure pursuant to chapter 40 of NRS.

~~[(f)]~~

2. As used in this ~~[subsection, "land"]~~ section:

(a) "*Land* sale installment contract" has the meaning ascribed to it in paragraph (d) of subsection 1 of NRS 375.010.

(b) "*Unconscionable practice*" means an act or practice which, to the detriment of a consumer:

(1) Takes advantage of the lack of knowledge, ability, experience or capacity of the consumer to a grossly unfair degree;

(2) Results in a gross disparity between the value received and the consideration paid, in a transaction involving transfer of consideration; or

(3) Arbitrarily or unfairly excludes the access of a consumer to a good or service.

Sec. 8. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, *and section 3 of this act* are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 9. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act* do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act* do not apply to the use by a person



1 of any service mark, trademark, certification mark, collective mark,
2 trade name or other trade identification which was used and not
3 abandoned prior to July 1, 1973, if the use was in good faith and is
4 otherwise lawful except for the provisions of NRS 598.0903 to
5 598.0999, inclusive ~~H~~, *and sections 3, 3.5 and 5 of this act.*

6 **Sec. 10.** NRS 598.0963 is hereby amended to read as follows:

7 598.0963 1. Whenever the Attorney General is requested in
8 writing by the Commissioner or the Director to represent him or her
9 in instituting a legal proceeding against a person who has engaged
10 or is engaging in a deceptive trade practice, the Attorney General
11 may bring an action in the name of the State of Nevada against that
12 person on behalf of the Commissioner or Director.

13 2. The Attorney General may institute criminal proceedings to
14 enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~H~~,
15 *and sections 3, 3.5 and 5 of this act.* The Attorney General is not
16 required to obtain leave of the court before instituting criminal
17 proceedings pursuant to this subsection.

18 3. If the Attorney General has reason to believe that a person
19 has engaged or is engaging in a deceptive trade practice, the
20 Attorney General may bring an action in the name of the State of
21 Nevada against that person to obtain a temporary restraining order, a
22 preliminary or permanent injunction, or other appropriate relief.

23 4. If the Attorney General has cause to believe that a person
24 has engaged or is engaging in a deceptive trade practice, the
25 Attorney General may issue a subpoena to require the testimony of
26 any person or the production of any documents, and may administer
27 an oath or affirmation to any person providing such testimony. The
28 subpoena must be served upon the person in the manner required for
29 service of process in this State or by certified mail with return
30 receipt requested. An employee of the Attorney General may
31 personally serve the subpoena.

32 **Sec. 11.** NRS 598.0967 is hereby amended to read as follows:

33 598.0967 1. The Commissioner and the Director, in addition
34 to other powers conferred upon them by NRS 598.0903 to
35 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act*, may issue
36 subpoenas to require the attendance of witnesses or the production
37 of documents, conduct hearings in aid of any investigation or
38 inquiry and prescribe such forms and adopt such regulations as may
39 be necessary to administer the provisions of NRS 598.0903 to
40 598.0999, inclusive ~~H~~, *and sections 3, 3.5 and 5 of this act.* Such
41 regulations may include, without limitation, provisions concerning
42 the applicability of the provisions of NRS 598.0903 to 598.0999,
43 inclusive, *and sections 3, 3.5 and 5 of this act* to particular persons
44 or circumstances.



2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 12. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner *or Attorney General* has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act*, the Commissioner *or Attorney General* may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly, ~~for~~ by certified or registered mail, return receipt requested ~~[]~~, *or in any other manner permitted by the Nevada Rules of Civil Procedure for the service of process in civil actions.*

2. An administrative hearing on any action brought by the Commissioner *or Attorney General* must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act* or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[]~~, *and sections 3, 3.5 and 5 of this act*;



(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of \$1,000 or treble the amount of restitution ordered, whichever is greater.

➤ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued *by the Director or his or her designee* pursuant to subsection 3, the *Attorney General, or the* Commissioner or ~~the~~ Director ~~may,~~ through the Attorney General, *may,* at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that ~~the~~:

~~—(a) The violation complained of is a deceptive trade practice;~~
~~—(b) The proceedings by the Director or his or her designee concerning the written report and any the person has failed to comply with an~~ order issued *by the Director or his or her designee* pursuant to subsection 3, ~~are in the interest of the public; and~~
~~—(c) The findings of the Director or his or her designee are supported by the weight of the evidence;~~

➤ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.



9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 13. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action *or proceeding* brought pursuant to NRS ~~598.0979~~ 598.0903 to ~~598.099~~ 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act*, if the court *or the Director or his or her designee* finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court *or the Director or his or her designee* may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than \$12,500 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court *or the Director or his or her designee* shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the



1 encumbrance of his or her primary residence or principal source of
2 income; or

3 (f) Any other factors that the court *or the Director or his or her*
4 *designee* deems to be appropriate.

5 **Sec. 14.** NRS 598.0974 is hereby amended to read as follows:

6 598.0974 A civil penalty must not be imposed against any
7 person who engages in a deceptive trade practice pursuant to NRS
8 598.0903 to 598.0999, inclusive, *and sections 3, 3.5 and 5 of this*
9 *act* in a civil proceeding brought by the Commissioner, Director or
10 Attorney General if a fine has previously been imposed against that
11 person by the Department of Motor Vehicles pursuant to NRS
12 482.554 for the same act.

13 **Sec. 15.** NRS 598.0985 is hereby amended to read as follows:

14 598.0985 Notwithstanding the requirement of knowledge as an
15 element of a deceptive trade practice, and notwithstanding the
16 enforcement powers granted to the Commissioner or Director
17 pursuant to NRS 598.0903 to 598.0999, inclusive, *and sections 3,*
18 *3.5 and 5 of this act*, whenever the district attorney of any county
19 has reason to believe that any person is using, has used or is about to
20 use any deceptive trade practice, knowingly or otherwise, he or she
21 may bring an action in the name of the State of Nevada against that
22 person to obtain a temporary or permanent injunction against the
23 deceptive trade practice.

24 **Sec. 16.** NRS 598.0993 is hereby amended to read as follows:

25 598.0993 The court in which an action is brought pursuant to
26 NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such
27 additional orders or judgments as may be necessary to restore to any
28 person in interest any money or property, real or personal, which
29 may have been acquired by means of any deceptive trade practice
30 which violates any of the provisions of NRS 598.0903 to 598.0999,
31 inclusive, *and sections 3, 3.5 and 5 of this act* but such additional
32 orders or judgments may be entered only after a final determination
33 has been made that a deceptive trade practice has occurred.

34 **Sec. 17.** NRS 598.0999 is hereby amended to read as follows:

35 598.0999 1. Except as otherwise provided in NRS 598.0974,
36 a person who violates a court order or injunction issued pursuant to
37 the provisions of NRS 598.0903 to 598.0999, inclusive, *and*
38 *sections 3, 3.5 and 5 of this act* upon a complaint brought by the
39 Commissioner, the Director, the district attorney of any county of
40 this State or the Attorney General shall forfeit and pay to the State
41 General Fund a civil penalty of not more than \$10,000 for each
42 violation. For the purpose of this section, the court issuing the order
43 or injunction retains jurisdiction over the action or proceeding. Such
44 civil penalties are in addition to any other penalty or remedy



1 available for the enforcement of the provisions of NRS 598.0903 to
2 598.0999, inclusive ~~{,}~~, *and sections 3, 3.5 and 5 of this act.*

3 2. Except as otherwise provided in NRS 598.0974, in any
4 action brought pursuant to the provisions of NRS 598.0903 to
5 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act*, if the
6 court finds that a person has willfully engaged in a deceptive trade
7 practice, the Commissioner, the Director, the district attorney of any
8 county in this State or the Attorney General bringing the action may
9 recover a civil penalty not to exceed \$5,000 for each violation. The
10 court in any such action may, in addition to any other relief or
11 reimbursement, award reasonable attorney's fees and costs.

12 3. A natural person, firm, or any officer or managing agent of
13 any corporation or association who knowingly and willfully engages
14 in a deceptive trade practice:

15 (a) For ~~{the first}~~ an offense ~~{,}~~ *involving a loss of property or*
16 *services valued at \$1,200 or more but less than \$5,000*, is guilty of
17 a ~~{misdemeanor.}~~ *category D felony and shall be punished as*
18 *provided in NRS 193.130.*

19 (b) For ~~{the second}~~ an offense ~~{,}~~ *involving a loss of property*
20 *or services valued at \$5,000 or more but less than \$25,000*, is
21 guilty of a ~~{gross misdemeanor.}~~ *category C felony and shall be*
22 *punished as provided in NRS 193.130.*

23 (c) For ~~{the third and all subsequent offenses,}~~ *an offense*
24 *involving a loss of property or services valued at \$25,000 or more*
25 *but less than \$100,000*, is guilty of a category ~~{D}~~ *B felony and*
26 *shall be punished* ~~{as provided in NRS 193.130.}~~ *by imprisonment*
27 *in the state prison for a minimum term of not less than 1 year and*
28 *a maximum term of not more than 10 years, and by a fine of not*
29 *more than \$10,000.*

30 (d) *For an offense involving a loss of property or services*
31 *valued at \$100,000 or more, is guilty of a category B felony and*
32 *shall be punished by imprisonment in the state prison for a*
33 *minimum term of not less than 1 year and a maximum term of not*
34 *more than 20 years, and by a fine of not more than \$15,000.*

35 (e) *For any offense other than an offense described in*
36 *paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.*

37 ➤ The court may require the natural person, firm, or officer or
38 managing agent of the corporation or association to pay to the
39 aggrieved party damages on all profits derived from the knowing
40 and willful engagement in a deceptive trade practice and treble
41 damages on all damages suffered by reason of the deceptive trade
42 practice.

43 4. ~~{Any offense which occurred within 10 years immediately~~
44 ~~preceding the date of the principal offense or after the principal~~
45 ~~offense constitutes a prior offense for the purposes of subsection 3~~



~~when evidenced by a conviction, without regard to the sequence of the offenses and convictions.~~

~~—5.]~~ If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and sections 3, 3.5 and 5 of this act*, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➤ The court may grant or deny the relief sought or may order other appropriate relief.

~~[6.]~~ *5.* If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➤ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Division of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) *"Property" has the meaning ascribed to it in NRS 193.0225.*

(b) *"Services" has the meaning ascribed to it in NRS 205.0829.*

(c) *"Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation*



of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 17.3. (Deleted by amendment.)

Sec. 17.6. (Deleted by amendment.)

Sec. 17.9. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. Chapter 603A of NRS is hereby amended by adding thereto a new section to read as follows:

A violation of the provisions of this section and NRS 603A.010 to 603A.290, inclusive, constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive, and sections 3, 3.5 and 5 of this act.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 603A.010 is hereby amended to read as follows:

603A.010 As used in NRS 603A.010 to 603A.290, inclusive, *and section 19 of this act*, unless the context otherwise requires, the words and terms defined in NRS 603A.020, 603A.030 and 603A.040 have the meanings ascribed to them in those sections.

Sec. 22. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, *and section 19 of this act* do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, *and section 19 of this act* is contrary to public policy, void and unenforceable.

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

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

There is no limitation on the time in which an action brought by the Attorney General against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and sections 3, 3.5 and 5 of this act may be commenced.

Sec. 26. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:



1 1. Within 6 years:

2 (a) Except as otherwise provided in NRS 62B.420 and 176.275,
3 an action upon a judgment or decree of any court of the United
4 States, or of any state or territory within the United States, or the
5 renewal thereof.

6 (b) An action upon a contract, obligation or liability founded
7 upon an instrument in writing, except those mentioned in the
8 preceding sections of this chapter.

9 2. Within 4 years:

10 (a) An action on an open account for goods, wares and
11 merchandise sold and delivered.

12 (b) An action for any article charged on an account in a store.

13 (c) An action upon a contract, obligation or liability not founded
14 upon an instrument in writing.

15 (d) ~~[Aa]~~ *Except as otherwise provided in section 25 of this act,*
16 *an* action against a person alleged to have committed a deceptive
17 trade practice in violation of NRS 598.0903 to 598.0999, inclusive,
18 *and sections 3, 3.5 and 5 of this act*, but the cause of action shall be
19 deemed to accrue when the aggrieved party discovers, or by the
20 exercise of due diligence should have discovered, the facts
21 constituting the deceptive trade practice.

22 3. Within 3 years:

23 (a) An action upon a liability created by statute, other than a
24 penalty or forfeiture.

25 (b) An action for waste or trespass of real property, but when the
26 waste or trespass is committed by means of underground works
27 upon any mining claim, the cause of action shall be deemed to
28 accrue upon the discovery by the aggrieved party of the facts
29 constituting the waste or trespass.

30 (c) An action for taking, detaining or injuring personal property,
31 including actions for specific recovery thereof, but in all cases
32 where the subject of the action is a domestic animal usually included
33 in the term "livestock," which has a recorded mark or brand upon it
34 at the time of its loss, and which strays or is stolen from the true
35 owner without the owner's fault, the statute does not begin to run
36 against an action for the recovery of the animal until the owner has
37 actual knowledge of such facts as would put a reasonable person
38 upon inquiry as to the possession thereof by the defendant.

39 (d) Except as otherwise provided in NRS 112.230 and 166.170,
40 an action for relief on the ground of fraud or mistake, but the cause
41 of action in such a case shall be deemed to accrue upon the
42 discovery by the aggrieved party of the facts constituting the fraud
43 or mistake.

44 (e) An action pursuant to NRS 40.750 for damages sustained by
45 a financial institution or other lender because of its reliance on



certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 27. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or



(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[4]~~, *and section 3 of this act.*

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. NRS 228.380 is hereby amended to read as follows:

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C, 599B and 711 of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in:

(a) Chapter 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities; or

(b) Chapter 711 of NRS.

3. *The Consumer's Advocate may have access to all records in the possession of any agency, board or commission of this State that he or she determines are necessary for the exercise of the powers set forth in subsection 1.*

4. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

~~[4]~~ 5. The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

Sec. 32. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:



(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↳ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↳ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and

(k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of *paragraph (f) of subsection 1* of



1 NRS 598.0923, if applicable, by the subdivider or any successor in
2 interest.

3 4. The governing body or planning commission shall, by an
4 affirmative vote of a majority of all the members, make a final
5 disposition of the tentative map. The governing body or planning
6 commission shall not approve the tentative map unless the
7 subdivider has submitted an affidavit stating that the subdivider will
8 make provision for the payment of the tax imposed by chapter 375
9 of NRS and for compliance with the disclosure and recording
10 requirements of *paragraph (f) of* subsection ~~1~~ 1 of NRS 598.0923,
11 if applicable, by the subdivider or any successor in interest. Any
12 disapproval or conditional approval must include a statement of the
13 reason for that action.

14 **Sec. 33.** NRS 278.461 is hereby amended to read as follows:

15 278.461 1. Except as otherwise provided in this section, a
16 person who proposes to divide any land for transfer or development
17 into four lots or less shall:

18 (a) Prepare a parcel map and file the number of copies, as
19 required by local ordinance, of the parcel map with the planning
20 commission or its designated representative or, if there is no
21 planning commission, with the clerk of the governing body; and

22 (b) Pay a filing fee in an amount determined by the governing
23 body,

24 ➤ unless those requirements are waived or the provisions of NRS
25 278.471 to 278.4725, inclusive, apply. The map must be
26 accompanied by a written statement signed by the treasurer of the
27 county in which the land to be divided is located indicating that all
28 property taxes on the land for the fiscal year have been paid, and by
29 the affidavit of the person who proposes to divide the land stating
30 that the person will make provision for the payment of the tax
31 imposed by chapter 375 of NRS and for compliance with the
32 disclosure and recording requirements of *paragraph (f) of*
33 subsection ~~1~~ 1 of NRS 598.0923, if applicable, by the person who
34 proposes to divide the land or any successor in interest.

35 2. In addition to any other requirement set forth in this section,
36 a person who is required to prepare a parcel map pursuant to
37 subsection 1 shall provide a copy of the parcel map to the Division
38 of Water Resources of the State Department of Conservation and
39 Natural Resources and obtain a certificate from the Division
40 indicating that the parcel map is approved as to the quantity of water
41 available for use if:

42 (a) Any parcel included in the parcel map:

43 (1) Is within or partially within a basin designated by the
44 State Engineer pursuant to NRS 534.120 for which the State



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1 Engineer has issued an order requiring the approval of the parcel
2 map by the State Engineer; and

3 (2) Will be served by a domestic well; and

4 (b) The dedication of a right to appropriate water to ensure a
5 sufficient supply of water is not required by an applicable local
6 ordinance.

7 3. If the parcel map is submitted to the clerk of the governing
8 body, the clerk shall submit the parcel map to the governing body at
9 its next regular meeting.

10 4. A common-interest community consisting of four units or
11 less shall be deemed to be a division of land within the meaning of
12 this section, but need only comply with this section and NRS
13 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and
14 278.466.

15 5. A parcel map is not required when the division is for the
16 express purpose of:

17 (a) The creation or realignment of a public right-of-way by a
18 public agency.

19 (b) The creation or realignment of an easement.

20 (c) An adjustment of the boundary line between two abutting
21 parcels or the transfer of land between two owners of
22 abutting parcels, which does not result in the creation of any
23 additional parcels, if such an adjustment is approved pursuant to
24 NRS 278.5692 and is made in compliance with the provisions of
25 NRS 278.5693.

26 (d) The purchase, transfer or development of space within an
27 apartment building or an industrial or commercial building.

28 (e) Carrying out an order of any court or dividing land as a
29 result of an operation of law.

30 6. A parcel map is not required for any of the following
31 transactions involving land:

32 (a) The creation of a lien, mortgage, deed of trust or any other
33 security instrument.

34 (b) The creation of a security or unit of interest in any
35 investment trust regulated under the laws of this State or any other
36 interest in an investment entity.

37 (c) Conveying an interest in oil, gas, minerals or building
38 materials, which is severed from the surface ownership of real
39 property.

40 (d) Conveying an interest in land acquired by the Department of
41 Transportation pursuant to chapter 408 of NRS.

42 (e) Filing a certificate of amendment pursuant to NRS 278.473.

43 7. When two or more separate lots, parcels, sites, units or plots
44 of land are purchased, they remain separate for the purposes of this
45 section and NRS 278.468, 278.590 and 278.630. When the lots,



1 parcels, sites, units or plots are resold or conveyed they are exempt
2 from the provisions of NRS 278.010 to 278.630, inclusive, until
3 further divided.

4 8. Unless a method of dividing land is adopted for the purpose
5 or would have the effect of evading this chapter, the provisions for
6 the division of land by a parcel map do not apply to a transaction
7 exempted by paragraph (c) of subsection 1 of NRS 278.320.

8 9. As used in this section, "domestic well" has the meaning
9 ascribed to it in NRS 534.350.

10 **Sec. 34.** NRS 278.464 is hereby amended to read as follows:

11 278.464 1. Except as otherwise provided in subsection 2, if
12 there is a planning commission, it shall:

13 (a) In a county whose population is 700,000 or more, within 45
14 days; or

15 (b) In a county whose population is less than 700,000, within 60
16 days,

17 ➤ after accepting as a complete application a parcel map,
18 recommend approval, conditional approval or disapproval of the
19 map in a written report. The planning commission shall submit the
20 parcel map and the written report to the governing body.

21 2. If the governing body has authorized the planning
22 commission to take final action on a parcel map, the planning
23 commission shall:

24 (a) In a county whose population is 700,000 or more, within 45
25 days; or

26 (b) In a county whose population is less than 700,000, within 60
27 days,

28 ➤ after accepting as a complete application the parcel map,
29 approve, conditionally approve or disapprove the map. The planning
30 commission shall file its written decision with the governing body.
31 Unless the time is extended by mutual agreement, if the planning
32 commission is authorized to take final action and it fails to take
33 action within the period specified in this subsection, the parcel map
34 shall be deemed approved.

35 3. If there is no planning commission or if the governing body
36 has not authorized the planning commission to take final action, the
37 governing body or, by authorization of the governing body, the
38 director of planning or other authorized person or agency shall:

39 (a) In a county whose population is 700,000 or more, within 45
40 days; or

41 (b) In a county whose population is less than 700,000, within 60
42 days,

43 ➤ after acceptance of the parcel map as a complete application by
44 the governing body pursuant to subsection 1 or pursuant to
45 subsection 3 of NRS 278.461, review and approve, conditionally



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1 approve or disapprove the parcel map. Unless the time is extended
2 by mutual agreement, if the governing body, the director of planning
3 or other authorized person or agency fails to take action within the
4 period specified in this subsection, the parcel map shall be deemed
5 approved.

6 4. The planning commission and the governing body or
7 director of planning or other authorized person or agency shall not
8 approve the parcel map unless the person proposing to divide the
9 land has submitted an affidavit stating that the person will make
10 provision for the payment of the tax imposed by chapter 375 of NRS
11 and for compliance with the disclosure and recording requirements
12 of *paragraph (f) of* subsection ~~15~~ *1* of NRS 598.0923, if applicable,
13 by the person proposing to divide the land or any successor in
14 interest.

15 5. Except as otherwise provided in NRS 278.463, if unusual
16 circumstances exist, a governing body or, if authorized by the
17 governing body, the planning commission may waive the
18 requirement for a parcel map. Before waiving the requirement for a
19 parcel map, a determination must be made by the county surveyor,
20 city surveyor or professional land surveyor appointed by the
21 governing body that a survey is not required. Unless the time is
22 extended by mutual agreement, a request for a waiver must be acted
23 upon:

24 (a) In a county whose population is 700,000 or more, within 45
25 days; or

26 (b) In a county whose population is less than 700,000, within 60
27 days,

28 ➤ after the date of the request for the waiver or, in the absence of
29 action, the waiver shall be deemed approved.

30 6. A governing body may consider or may, by ordinance,
31 authorize the consideration of the criteria set forth in subsection 3 of
32 NRS 278.349 in determining whether to approve, conditionally
33 approve or disapprove a second or subsequent parcel map for land
34 that has been divided by a parcel map which was recorded within
35 the 5 years immediately preceding the acceptance of the second or
36 subsequent parcel map as a complete application.

37 7. An applicant or other person aggrieved by a decision of the
38 governing body's authorized representative or by a final act of the
39 planning commission may appeal the decision in accordance with
40 the ordinance adopted pursuant to NRS 278.3195.

41 8. If a parcel map and the associated division of land are
42 approved or deemed approved pursuant to this section, the approval
43 must be noted on the map in the form of a certificate attached
44 thereto and executed by the clerk of the governing body, the
45 governing body's designated representative or the chair of the



1 planning commission. A certificate attached to a parcel map
2 pursuant to this subsection must indicate, if applicable, that the
3 governing body or planning commission determined that a public
4 street, easement or utility easement which will not remain in effect
5 after a merger and resubdivision of parcels conducted pursuant to
6 NRS 278.4925 has been vacated or abandoned in accordance with
7 NRS 278.480.

8 **Sec. 35.** NRS 278.4713 is hereby amended to read as follows:

9 278.4713 1. Unless the filing of a tentative map is waived, a
10 person who proposes to make a division of land pursuant to NRS
11 278.471 to 278.4725, inclusive, must first:

12 (a) File a tentative map for the area in which the land is located
13 with the planning commission or its designated representative or
14 with the clerk of the governing body if there is no planning
15 commission;

16 (b) Submit an affidavit stating that the person will make
17 provision for the payment of the tax imposed by chapter 375 of NRS
18 and for compliance with the disclosure and recording requirements
19 of *paragraph (f) of* subsection ~~1~~ 1 of NRS 598.0923, if applicable,
20 by the person who proposes to make a division of land or any
21 successor in interest; and

22 (c) Pay a filing fee of no more than \$750 set by the governing
23 body.

24 2. This map must be:

25 (a) Entitled "Tentative Map of Division into Large Parcels"; and

26 (b) Prepared and certified by a professional land surveyor.

27 3. This map must show:

28 (a) The approximate, calculated or actual acreage of each lot and
29 the total acreage of the land to be divided.

30 (b) Any roads or easements of access which exist, are proposed
31 in the applicable master plan or are proposed by the person who
32 intends to divide the land.

33 (c) Except as otherwise provided in NRS 278.329, an easement
34 for public utilities that provide gas, electric and telecommunications
35 services and for any video service providers that are authorized
36 pursuant to chapter 711 of NRS to operate a video service network
37 in that area.

38 (d) Except as otherwise provided in NRS 278.329, an easement
39 for public utilities that provide water and sewer services.

40 (e) Any existing easements for irrigation or drainage, and any
41 normally continuously flowing watercourses.

42 (f) An indication of any existing road or easement which the
43 owner does not intend to dedicate.

44 (g) The name and address of the owner of the land.



1 4. The planning commission and the governing body or its
2 authorized representative shall not approve the tentative map unless
3 the person proposing to divide the land has submitted an affidavit
4 stating that the person will make provision for the payment of the
5 tax imposed by chapter 375 of NRS and for compliance with the
6 disclosure and recording requirements of *paragraph (f) of*
7 subsection ~~5~~ *1* of NRS 598.0923, if applicable, by the person
8 proposing to divide the land or any successor in interest.

9 **Sec. 35.5.** (Deleted by amendment.)

10 **Sec. 35.7.** (Deleted by amendment.)

