

SENATE BILL NO. 92—SENATORS DONATE AND FLORES

PREFILED JANUARY 31, 2023

JOINT SPONSORS: ASSEMBLYWOMEN MARZOLA,
GONZÁLEZ AND TORRES

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to sidewalk vendors.
(BDR 20-53)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1-11 and 15-24** of this bill set forth various requirements for the licensing and regulation of street food and merchandise vendors by the governing body of certain counties and cities.

Sections 2 and 16 of this bill provide that the provisions of **sections 1-10 and 15-25** of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

Sections 4-6 and 18-20 of this bill define the terms “roaming sidewalk vendor,” “sidewalk vendor” and “stationary sidewalk vendor.”

Sections 7 and 21 of this bill prohibit a governing body of a county or city from: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending; or (3) regulating



sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

Sections 8 and 22 of this bill authorize a governing body of a county or city to require that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit certain information to the county or city.

Sections 9 and 23 of this bill provide that an ordinance adopted by a governing body of a county or city: (1) may not impose certain restrictions on sidewalk vending, including restricting a sidewalk vendor to certain parts of the public right-of-way or requiring a sidewalk vendor to operate only in certain designated areas or neighborhoods; and (2) may, with certain exceptions, impose additional requirements regulating the time, place and manner of sidewalk vending.

Sections 10 and 24 of this bill authorize a governing body of a county or city to impose by ordinance certain administrative fines for a violation of the provisions of the ordinance regulating sidewalk vendors.

Section 11 makes a conforming change to create an exception to the authority of a board of county commissioners to regulate all character of lawful trades, callings, industries, occupations, professions and business.

Existing law authorizes a local board of health to adopt regulations relating to food establishments. (NRS 446.940) **Section 25** requires a local board of health to adopt regulations that allow a person applying for a permit to operate as a sidewalk vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2) obtain any necessary certification as a food handler if the person does not have a driver's license or identification card.

Section 13 of this bill creates the Task Force on Safe Sidewalk Vending in the Office of the Secretary of State and requires the Secretary of State to appoint nine members to the Task Force. **Section 14** of this bill requires the Task Force to review existing laws governing sidewalk vending and recommend approaches to improve the laws of this State and cities and counties of this State governing sidewalk vending.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *The provisions of sections 2 to 10, inclusive, of this act apply only to a county whose population is 100,000 or more.*

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food or merchandise.*

Sec. 5. *"Sidewalk vendor" means a person who sells food or merchandise upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or*



1 *rack. This term includes, without limitation, a roaming sidewalk*
2 *vendor and a stationary sidewalk vendor.*

3 **Sec. 6.** *"Stationary sidewalk vendor" means a sidewalk*
4 *vendor who sells food or merchandise from a fixed location.*

5 **Sec. 7.** 1. *A board of county commissioners shall not:*

6 *(a) Enact or enforce a complete prohibition on sidewalk*
7 *vendors.*

8 *(b) Impose a criminal penalty on the act of sidewalk vending.*

9 2. *If a board of county commissioners adopts an ordinance*
10 *regulating sidewalk vendors, the ordinance must comply with the*
11 *requirements of sections 2 to 10, inclusive, of this act.*

12 3. *A board of county commissioners that does not adopt an*
13 *ordinance that complies or substantially complies with sections 2*
14 *to 10, inclusive, of this act, shall not cite, fine or prosecute a*
15 *sidewalk vendor for a violation of any rule or regulation that is*
16 *inconsistent with the provisions of sections 2 to 10, inclusive, of*
17 *this act.*

18 **Sec. 8.** *An ordinance adopted by a board of county*
19 *commissioners regulating sidewalk vendors may require that a*
20 *sidewalk vendor:*

21 1. *Hold:*

22 *(a) A permit for sidewalk vending;*

23 *(b) A state business license; and*

24 *(c) Any other licenses issued by a state or local governmental*
25 *agency to the extent otherwise required by law.*

26 *Nothing in this section shall be construed to authorize a*
27 *sidewalk vendor to not comply with any requirement to obtain a*
28 *state business license or other license issued by a state agency to*
29 *the extent otherwise required by law.*

30 2. *Submit information to the designated representative of the*
31 *county relating to his or her operations, including, with limitation:*

32 *(a) The name and current mailing address of the sidewalk*
33 *vendor;*

34 *(b) If the sidewalk vendor is an agent of an individual,*
35 *company, partnership or corporation, the name and business*
36 *address of the principal office;*

37 *(c) A description of the food or merchandise offered for sale;*
38 *and*

39 *(d) A certification by the sidewalk vendor that, to the best of*
40 *his or her knowledge and belief, the information submitted*
41 *pursuant to this section is true.*

42 **Sec. 9.** 1. *Except as otherwise provided in subsection 2, an*
43 *ordinance adopted by a board of county commissioners that*
44 *regulates sidewalk vendors must not:*

45 *(a) Require a sidewalk vendor to:*



(1) Operate within specific parts of the public right-of-way;
(2) Obtain the consent or approval of any nongovernmental entity or individual before the sidewalk vendor may sell food or merchandise; or

(3) Operate only in a designated neighborhood or area;
(b) Prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the county, unless the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire; or

(c) Restrict the overall number of sidewalk vendors permitted to operate within the county.

2. In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on:

(I) The hours of operation of a sidewalk vendor, which may not be unduly restrictive. In a nonresidential area, any restriction on the hours of operation of a sidewalk vendor must not be more restrictive than any restriction on the hours of operation imposed on other businesses or uses on the same street.

(II) Sidewalk vending in a park owned or operated by the county if the restrictions are necessary to ensure the use and enjoyment by the public of natural resources and recreational opportunities or to prevent an unreasonable interference with the scenic and natural character of the park.

(2) Requirements to:

(I) Maintain sanitary conditions.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant



1 *to this paragraph must only be effective for the limited duration of*
2 *the temporary special event.*

3 *(3) Within a set distance established by the board of county*
4 *commissioners of an establishment that holds a nonrestricted*
5 *gaming license described in subsection 1 or 2 of NRS 463.0177.*

6 *(4) In areas that are zoned exclusively for residential use,*
7 *but must not prohibit roaming sidewalk vendors in such areas.*

8 *(c) Establish a schedule of administrative fines for violations*
9 *of the ordinance in accordance with the requirements of section*
10 *10 of this act.*

11 *3. For the purposes of this section, perceived community*
12 *animus or economic competition does not constitute an objective*
13 *health, safety or welfare concern.*

14 **Sec. 10.** *1. Except as otherwise provided in subsection 2, in*
15 *accordance with an ordinance adopted pursuant to sections 2 to*
16 *10, inclusive, of this act, a board of county commissioners may*
17 *impose an administrative fine on a sidewalk vendor not to exceed:*

18 *(a) For a first violation, \$100;*

19 *(b) For a second violation within 1 year of the first violation,*
20 *\$200; and*

21 *(c) For a third or subsequent violation within 1 year of the first*
22 *violation, \$500.*

23 *2. If a board of county commissioners requires a sidewalk*
24 *vendor to obtain a permit for sidewalk vending, the board of*
25 *county commissioners may, for a violation of the requirement to*
26 *obtain the permit:*

27 *(a) Impose an administrative fine not to exceed:*

28 *(1) For a first violation, \$250;*

29 *(2) For a second violation within 1 year of the first*
30 *violation, \$500; and*

31 *(3) For a third or subsequent violation within 1 year of the*
32 *first violation, \$1,000; and*

33 *(b) Suspend or revoke a permit issued to a sidewalk vendor for*
34 *the term of that permit upon a fourth or subsequent violation.*

35 *➤ Upon proof of a valid permit issued by the county, the*
36 *administrative fines set forth in this subsection must be reduced to*
37 *the administrative fines set forth in subsection 1.*

38 *3. No additional fines, fees, assessments or any other*
39 *financial conditions beyond those authorized by this section may*
40 *be imposed by ordinance. When imposing an administrative fine*
41 *in accordance with the provisions of this section, the ability of the*
42 *person to pay the fine must be taken into consideration. In lieu of*
43 *paying an administrative fine, an ordinance adopted pursuant to*
44 *sections 2 to 10, inclusive, of this act, must allow for:*



(a) *A person to complete community service in lieu of paying an administrative fine;*

(b) *The fine to be waived; or*

(c) *An alternative disposition.*

Sec. 11. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, *and sections 2 to 10, inclusive, of this act*, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of



1 NRS. No license to engage in any type of business may be granted
2 unless the applicant for the license:

3 (a) Signs an affidavit affirming that the business has complied
4 with the provisions of chapter 76 of NRS; or

5 (b) Provides to the county license board the business
6 identification number of the applicant assigned by the Secretary of
7 State pursuant to NRS 225.082 which the county may use to
8 validate that the applicant is currently in good standing with the
9 State and has complied with the provisions of chapter 76 of NRS.

10 6. No license to engage in business as a seller of tangible
11 personal property may be granted unless the applicant for the
12 license:

13 (a) Presents written evidence that:

14 (1) The Department of Taxation has issued or will issue a
15 permit for this activity, and this evidence clearly identifies the
16 business by name; or

17 (2) Another regulatory agency of the State has issued or will
18 issue a license required for this activity; or

19 (b) Provides to the county license board the business
20 identification number of the applicant assigned by the Secretary of
21 State pursuant to NRS 225.082 which the county may use to
22 validate that the applicant is currently in good standing with the
23 State and has complied with the provisions of paragraph (a).

24 7. Any license tax levied for the purposes of NRS 244.3358 or
25 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
26 and personal property of the business upon which the tax was levied
27 until the tax is paid. The lien has the same priority as a lien for
28 general taxes. The lien must be enforced:

29 (a) By recording in the office of the county recorder, within 6
30 months after the date on which the tax became delinquent or was
31 otherwise determined to be due and owing, a notice of the tax lien
32 containing the following:

33 (1) The amount of tax due and the appropriate year;

34 (2) The name of the record owner of the property;

35 (3) A description of the property sufficient for identification;

36 and

37 (4) A verification by the oath of any member of the board of
38 county commissioners or the county fair and recreation board; and

39 (b) By an action for foreclosure against the property in the same
40 manner as an action for foreclosure of any other lien, commenced
41 within 2 years after the date of recording of the notice of the tax
42 lien, and accompanied by appropriate notice to other lienholders.

43 8. The board of county commissioners may delegate the
44 authority to enforce liens from taxes levied for the purposes of NRS
45 244A.597 to 244A.655, inclusive, to the county fair and recreation



board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, a board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business, other than a cannabis consumption lounge, as defined in NRS 678A.087, in accordance with the provisions of chapter 678B of NRS.

Sec. 12. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. 1. *The Task Force on Safe Sidewalk Vending is hereby created within the Office of the Secretary of State.*

2. *The Task Force consists of the following nine members appointed by the Secretary of State:*

- (a) *A representative of a health district in this State;***
 - (b) *A representative employed by a county or city whose primary duties are the performance of tasks related to code enforcement or zoning;***
 - (c) *A representative who owns a small business in this State;***
 - (d) *A representative from a rural area of this State;***
 - (e) *A representative from the Office of the Secretary of State;***
 - and**
 - (f) *Four members at large chosen by the Secretary of State.***
- 3. *The members of the Task Force:***



(a) Shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

(b) Serve without compensation.

4. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

5. As used in this section, “code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

Sec. 14. 1. The Task Force on Safe Sidewalk Vending created by section 13 of this act shall:

(a) Review the existing laws of this State, the cities and counties in this State and those of other states and municipalities relating to sidewalk vending; and

(b) Recommend approaches to improve the laws of this State and the cities and counties of this State to:

(1) Legalize sidewalk vending;

(2) Simplify and standardize the laws governing sidewalk vending;

(3) Remove unnecessary barriers to sidewalk vending; and

(4) Protect the public health, safety and welfare by ensuring sidewalk vendors follow clear and narrowly tailored laws which address demonstrable health, safety and welfare risks.

2. On or before September 1 of each even-numbered year, the Task Force shall submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission a written report. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 24, inclusive, of this act.

Sec. 16. The provisions of sections 16 to 24, inclusive, of this act apply only to a city in a county whose population is 100,000 or more.

Sec. 17. As used in sections 16 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 18, 19 and 20 of this act have the meanings ascribed to them in those sections.

Sec. 18. “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to sell food or merchandise.



Sec. 19. *“Sidewalk vendor” means a person who sells food or merchandise upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.*

Sec. 20. *“Stationary sidewalk vendor” means a sidewalk vendor who sells food or merchandise from a fixed location.*

Sec. 21. *1. A city council or other governing body of an incorporated city shall not:*

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending.

2. If a city council or other governing body of an incorporated city adopts an ordinance regulating sidewalk vendors, the ordinance must comply with the requirements of sections 16 to 24, inclusive, of this act.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with sections 16 to 24, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 16 to 24, inclusive, of this act.

Sec. 22. *An ordinance adopted by a city council or other governing body of an incorporated city regulating sidewalk vendors may require that a sidewalk vendor:*

1. Hold:

(a) A permit for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by the State or local governmental agency to the extent otherwise required by law.

Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency to the extent otherwise required by law.

2. Submit information to the designated representative of the city relating to his or her operations, including, with limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food or merchandise offered for sale; and



(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 23. 1. Except as otherwise provided in subsection 2, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors must not:

(a) Require a sidewalk vendor to:

(1) Operate within specific parts of the public right-of-way;

(2) Obtain the consent or approval of any nongovernmental entity or individual before the sidewalk vendor may sell food or merchandise; or

(3) Operate only in a designated neighborhood or area;

(b) Prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the city, unless the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire; or

(c) Restrict the overall number of sidewalk vendors permitted to operate within the city.

2. In addition to the provisions of section 22 of this act, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on:

(I) The hours of operation of a sidewalk vendor, which may not be unduly restrictive. In a nonresidential area, any restriction on the hours of operation of a sidewalk vendor must not be more restrictive than any restriction on the hours of operation imposed on other businesses or uses on the same street.

(II) Sidewalk vending in a park owned or operated by the city if the restrictions are necessary to ensure the use and enjoyment by the public of natural resources and recreational opportunities or to prevent an unreasonable interference with the scenic and natural character of the park.

(2) Requirements to:

(I) Maintain sanitary conditions.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.



(2) *Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this paragraph must only be effective for the limited duration of the temporary special event.*

(3) *Within a set distance established by the city council or other governing body of an incorporated city of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177.*

(4) *In areas that are zoned exclusively for residential use, but must not prohibit roaming sidewalk vendors in such areas.*

(c) *Establish a schedule of administrative fines for violations of the ordinance in accordance with the requirements of section 24 of this act.*

3. *For the purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety or welfare concern.*

Sec. 24. 1. *Except as otherwise provided in subsection 2, in accordance with an ordinance adopted pursuant to sections 16 to 24, inclusive, of this act, a city council or other governing body of an incorporated city may impose an administrative fine on a sidewalk vendor not to exceed:*

(a) *For a first violation, \$100;*

(b) *For a second violation within 1 year of the first violation, \$200; and*

(c) *For a third or subsequent violation within 1 year of the first violation, \$500.*

2. *If a city council or other governing body of an incorporated city requires a sidewalk vendor to obtain a permit for sidewalk vending, the city council or other governing body of an incorporated city may, for a violation of the requirement to obtain the permit:*

(a) *Impose an administrative fine not to exceed:*

(1) *For a first violation, \$250;*

(2) *For a second violation within 1 year of the first violation, \$500; and*

(3) *For a third or subsequent violation within 1 year of the first violation, \$1,000; and*

(b) *Suspend or revoke a permit issued to a sidewalk vendor for the term of that permit upon a fourth or subsequent violation.*



1 *↳ Upon proof of a valid permit issued by the city council or other*
2 *governing body of an incorporated city, the administrative fines set*
3 *forth in this subsection must be reduced to the administrative fines*
4 *set forth in subsection 1.*

5 *3. No additional fines, fees, assessments or any other*
6 *financial conditions beyond those authorized by this section may*
7 *be imposed by ordinance. When imposing an administrative fine*
8 *in accordance with the provisions of this section, the ability of the*
9 *person to pay the fine must be taken into consideration. In lieu of*
10 *paying an administrative fine, an ordinance adopted pursuant to*
11 *sections 16 to 24, inclusive, of this act, must allow for:*

12 *(a) A person to complete community service in lieu of paying*
13 *an administrative fine;*

14 *(b) The fine to be waived; or*

15 *(c) An alternative disposition.*

16 **Sec. 25.** Chapter 446 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. A local board of health in a county whose population is*
19 *100,000 or more or a city in a county whose population is 100,000*
20 *or more shall adopt regulations pursuant to NRS 446.940 for*
21 *sidewalk vendors of food which must, without limitation:*

22 *(a) Provide for a person applying for a permit for sidewalk*
23 *vending to pay any fees required by the local board of health using*
24 *a payment plan; and*

25 *(b) Establish procedures for a person seeking to operate as a*
26 *sidewalk vendor who does not have a drivers' license or*
27 *identification card issued by this State or another State, the*
28 *District of Columbia or any territory of the United States to obtain*
29 *any certification required by the local board of health as a food*
30 *handler.*

31 *2. As used in this section:*

32 *(a) "Roaming sidewalk vendor" means a sidewalk vendor who*
33 *moves from place to place and stops only to sell food.*

34 *(b) "Sidewalk vendor" means a person who sells food upon a*
35 *public sidewalk or other pedestrian path from a nonmotorized*
36 *conveyance, including, without limitation, a pushcart, stand,*
37 *display, pedal-driven cart, wagon, showcase or rack. This term*
38 *includes a roaming sidewalk vendor and a stationary sidewalk*
39 *vendor.*

40 *(c) "Stationary sidewalk vendor" means a sidewalk vendor*
41 *who sells food from a fixed location.*

42 **Sec. 26.** Any ordinance, regulation or rule of a county or city
43 which conflicts with the provisions of this act is void and
44 unenforceable.



Sec. 27. 1. The provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act apply to any pending criminal proceeding for a violation of an ordinance regulating the act of sidewalk vending. All pending criminal proceedings for a violation of such an ordinance or regulation shall be dismissed. Any person who is currently serving or who has completed a sentence, or who is subject to a criminal fine, for a conviction for the act of sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under the provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act may petition for dismissal of the sentence, fine or conviction.

2. Nothing in this section is intended to diminish or abrogate:

(a) Any rights or remedies otherwise available to a petitioner; or

(b) The finality of judgements in any case that does not fall within the provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act.

Sec. 28. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 29. 1. This section and sections 26, 27 and 28 of this act become effective upon passage and approval.

2. Sections 12, 13 and 14 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Task Force on Safe Sidewalk Vending and performing any other preparatory administrative tasks to carry out the provisions of sections 12, 13 and 14 of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 1 to 11, inclusive, and 15 to 25, inclusive, of this act become effective on January 1, 2024.

