

**ADOPTED REGULATION OF THE COMMISSIONER OF THE
CONSUMER AFFAIRS DIVISION OF THE DEPARTMENT OF
BUSINESS AND INDUSTRY**

LCB File No. R087-01

Effective September 14, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 598.0967; §§6-8, NRS 598.0967 and section 14 of chapter 213, Statutes of Nevada 2001.

Section 1. Chapter 598 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *A seller of travel shall display the certificate of registration issued by the division to the seller of travel pursuant to section 9 of chapter 436, Statutes of Nevada 2001, in an area within his business so that the certificate of registration is visible to the public.*

Sec. 3. 1. *With regard to a hotel that provides or arranges travel services for its patrons or guests, the exclusion for the term “seller of travel” as set forth in subsection 2 of section 6 of chapter 436, Statutes of Nevada 2001:*

(a) Applies only to persons actually employed by the hotel.

(b) Does not apply to lessees, independent contractors and other persons who are not employees of the hotel.

2. With regard to a person who, for compensation, transports persons or property by air, land, rail or water, the exclusion for the term “seller of travel” as set forth in subsection 2 of section 6 of chapter 436, Statutes of Nevada 2001, applies only to persons whose businesses are limited to providing such transportation.

Sec. 4. The security requirement set forth in section 10 of chapter 436, Statutes of Nevada 2001, that a seller of travel deposit with the division a bond, irrevocable letter of credit or certificate of deposit does not apply to a person engaged in business as a seller of travel if the person submits to the division, in such form as the division prescribes, evidence satisfactory to the commissioner that the person is an employee, agent or independent contractor of a seller of travel who:

1. Is in compliance with the requirement to provide such security and that the person is covered by the security deposited with the division by the seller of travel; or

2. Is exempt from the requirement to provide such security.

Sec. 5. 1. Each tour broker and tour operator shall register with the division on a form provided by the division. An applicant for registration shall include with his application the required security in proper form.

2. Upon receipt of an application for registration from a tour broker or tour operator that includes the required security in proper form, the division will issue a certificate of registration to the tour broker or tour operator. The certificate of registration is not transferable or assignable.

3. A tour broker or tour operator shall display the certificate of registration in an area within his business so that the certificate of registration is visible to the public.

Sec. 6. 1. A disclosure or notice required of a tour broker or tour operator pursuant to section 9 of chapter 213, Statutes of Nevada 2001, must set forth the required information in bold type at least 2 points larger than the type used in the majority of the document in which the information appears.

2. The notice on a billing invoice or receipt given to a customer for a sightseeing tour must set forth the information in substantially the following form:

STATE OF NEVADA

REGISTERED TOUR BROKER OR TOUR OPERATOR

THIS TOUR BROKER OR TOUR OPERATOR IS REGISTERED IN NEVADA WITH THE CONSUMER AFFAIRS DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY

THIS TOUR BROKER OR TOUR OPERATOR IS PROHIBITED FROM CHARGING A CUSTOMER IN NEVADA FOR A SIGHTSEEING TOUR AN AMOUNT THAT EXCEEDS THE SUM OF:

- (1) THE TOTAL PRICE ADVERTISED FOR THE TOUR; AND**
- (2) ANY FEE OR TAX THAT IS NOT INCLUDED IN THE TOTAL PRICE FOR THE SIGHTSEEING TOUR BECAUSE ITS INCLUSION WOULD VIOLATE A STATE OR FEDERAL STATUTE OR REGULATION.**

ANY COMPLAINTS CONCERNING CHARGES FOR THIS SIGHTSEEING TOUR MAY BE DIRECTED TO:

**THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION
1850 EAST SAHARA AVENUE, SUITE 101
LAS VEGAS, NEVADA 89104**

**IN CLARK COUNTY CALL: (702) 486-7355
ALL OTHER AREAS CALL TOLL FREE: 1-800-326-5202**