

**PROPOSED REGULATION OF THE
PRIVATE INVESTIGATOR’S LICENSING BOARD**

LCB File No. R127-24

August 27, 2024

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

AUTHORITY: §§ 1, 3, 13, 16-19 and 22, NRS 648.030; § 2, NRS 648.025 and 648.030; §§ 4, 5 and 7, NRS 648.030 and 648.120; § 6, NRS 648.030 and 648.100; §§ 8 and 14, NRS 648.030 and 648.140; § 9, NRS 648.030, 648.140, 648.1493 and 648.1495; § 10, NRS 648.030, 648.140 and 648.1493; §§ 11 and 12, NRS 648.030 and 648.1493; § 15, NRS 648.030, 648.140 and 648.1495; § 20, NRS 648.030 and 648.162; § 21, NRS 648.030 and 648.165.

A REGULATION relating to private investigators and related professions; revising provisions relating to qualifying agents; revising the duties of the Executive Director of the Private Investigator’s Licensing Board; revising the duties of the Board; revising provisions governing the circumstances under which the Board will hold a license in abeyance; revising provisions relating to certain examinations required for licensure; revising provisions relating to the employment of certain unlicensed persons; revising provisions relating to certain audits conducted by the Board; revising the information contained in the system of records established and maintained by the Board; requiring the Board to publish certain information on its Internet website; revising provisions relating to a course of training in carrying, handling and using firearms safely; revising provisions relating to certain fines; requiring an applicant for licensure to comply with all prerequisites for licensure before the Board approves his or her application; repealing duplicative provisions concerning liability insurance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Private Investigator’s Licensing Board to adopt regulations to carry out provisions governing the licensing and regulation of persons engaged in the business of private investigation and similar professions. (NRS 648.030, 648.060) Existing law prescribes certain qualifications and duties of a qualifying agent for a corporate applicant or corporate licensee. (NRS 648.110, 648.140) In general, existing regulations provide for the approval of qualifying agents by the Board. (NAC 648.260, 648.265) Under existing regulations, a corporation that submits an application for the qualification of an agent must include with the application a copy of the employment contract between the corporation and the proposed agent. (NAC 648.250) **Section 3** of this regulation requires any such contract to include certain responsibilities and duties. **Section 1** of this regulation defines the term “qualifying agent” for the purposes of the provisions of the Nevada Administrative Code governing private

investigators to mean a person who is approved by the Board to act as a qualifying agent for a corporation.

Existing law authorizes the Board to employ an Executive Director to perform duties prescribed by the Board. (NRS 648.025) Existing regulations set forth the duties of the Executive Director of the Board. (NAC 648.140) **Section 2** of this regulation revises these duties by requiring the Executive Director to serve as the custodian of records of the Board.

Existing law requires the Board to adopt regulations prescribing the circumstances under which the Board will hold a license in abeyance. (NRS 648.120) **Sections 5 and 7** of this regulation eliminate a requirement that a person who wishes to have his or her license held in abeyance must surrender the license. (NAC 648.265, 648.330) **Section 4** of this regulation makes a conforming change relating to the elimination of this requirement.

Existing regulations: (1) authorize the Board to designate police officers or other law enforcement officials to administer certain examinations relating to licensing; and (2) require the examinations to be given in certain months of each year. (NAC 648.310) **Section 6** of this regulation removes the authorization of the Board to designate police officers or other law enforcement officials to administer the examinations, thereby requiring the Board to administer the examinations. **Section 6** also requires the Board to administer the examinations at any other time the Executive Director deems necessary.

Existing regulations prohibit a licensee from employing certain unlicensed persons unless the Board grants an exemption from the prohibition. (NAC 648.338) **Section 8** of this regulation makes the Executive Director or his or her designee, rather than the Board, responsible for granting certain exemptions from the prohibition.

Existing regulations require a licensee to instruct certain applicants for employment to obtain two complete sets of fingerprints or provide a receipt for electronic submission of fingerprints to the Board. (NAC 648.3385) **Section 9** of this regulation instead requires a licensee to instruct those applicants to obtain one complete set of fingerprints or provide a receipt for electronic submission of fingerprints to the Board. **Section 10** of this regulation makes a conforming change relating to the number of sets of fingerprints a licensee is required to instruct applicants to obtain pursuant to **section 9**.

In general, before a licensee employs an unlicensed person, existing regulations require the licensee to: (1) administer an examination provided by the Board and ensure the person passes the examination; or (2) verify that the unlicensed person has passed an examination administered by the Board or by another licensee. (NAC 648.341) **Sections 11 and 12** of this regulation eliminate the option for a licensee to: (1) administer an examination provided by the Board; or (2) verify that the unlicensed person has passed an examination administered by another licensee. **Sections 11 and 12** thereby require a licensee to verify that an unlicensed person has passed the examination administered by the Board before the licensee employs the unlicensed person. **Section 13** of this regulation makes conforming changes relating to the elimination of the options from **sections 11 and 12**.

Existing law requires each licensee to maintain certain records relating to the employment, compensation, licensure and registration of employees. (NRS 648.140) Existing law also requires the Board to issue a pocket card to each registered employee. (NRS 648.1493) Existing regulations require each licensee to maintain a passport-size photograph of each of his or her employees. (NAC 648.3385) **Section 9** instead requires each licensee to maintain a copy of the pocket card of each of his or her employees.

Existing regulations authorize the Board to audit the records of a licensee. (NAC 648.343) **Section 13**: (1) clarifies the purposes for which the Board may conduct an audit; (2) lists certain records that may be reviewed by the Board during an audit; and (3) prescribes the locations at which the Board may conduct such an audit. **Section 13** also requires a licensee to make any record requested by the Board available to the Board within 30 days after receipt of the request. Existing law authorizes the Board to discipline a licensee for violating any provision of the Nevada Revised Statutes or the Nevada Administrative Code governing private investigators. (NRS 648.150) **Section 13** provides that failure to make a record requested by the Board available to the Board within the prescribed time constitutes grounds for disciplinary action. **Section 19** of this regulation eliminates a provision that prohibits the Board from imposing a fine of more than \$25 against a licensee for his or her first failure to produce records in a timely manner when undergoing an audit.

Existing regulations require the Board to establish and maintain an Internet website that contains a system of records which contains certain information concerning certain persons who have applied for or obtained registration with Board. (NAC 648.3435) **Section 14** of this regulation requires the system of records to contain information regarding each person who has completed a course of training in firearm safety. **Section 14** also requires the Board to include on the Internet website information concerning the training required to obtain or renew a license issued by the Board.

Existing regulations require a licensee to notify the Board within 10 days after the licensee terminates the employment of an unlicensed person. (NAC 648.343) **Section 13** eliminates this requirement. **Section 15** of this regulation instead requires a licensee to notify the Board within 3 days after the licensee terminates the employment of a registered employee. **Section 15** also: (1) reduces from 5 to 3 the number of business days within which a new employer must file a change of employment notice with the Board; and (2) requires a licensee to terminate the employment of a registered employee who has not performed work for the licensee within a prescribed time period.

Existing law authorizes the Board to require a licensee or his or her employee to complete a certain amount of training in firearm safety before the licensee or employee may carry a firearm in the course of his or her duties. (NRS 648.030) Existing regulations prescribe criteria for a licensee or employee to carry a firearm in the course of his or her duties. (NAC 648.345) **Section 16** of this regulation revises the criteria by requiring a licensee or employee to be 21 years of age or older to carry a firearm in the course of his or her duties.

Existing law prohibits a licensee from employing a person unless the person is registered with the Board. (NRS 648.060) Existing law also provides for the provisional registration of

certain applicants for registration. (NRS 648.1495) **Section 16** prohibits an employee who is provisionally registered from: (1) attending or receiving certification from a course of training in firearm safety; or (2) carrying a firearm in the course of his or her duties.

Existing regulations authorize the Board to certify a person as a firearms instructor in carrying, handling and using firearms safely if the person successfully passes a live fire skills test for firearms and meets certain other requirements. (NAC 648.345) **Section 16** revises the minimum score required to successfully pass a portion of the live fire skills test.

Existing regulations require a course of training in carrying, handling, and using firearms safely to include: (1) instruction designed to teach certain topics relating to the use of a firearm at a firing range; and (2) a minimum of 5 hours of instruction and training on a firing range. (NAC 648.346) **Section 17** of this regulation: (1) revises the topics relating to the use of a firearm at a firing range that must be included in the course; and (2) increases from 5 to 8 the minimum hours of instruction and training on a firing range that must be included in the course.

Existing regulations require a firearms instructor to certify the successful completion of a course of training in carrying, handling and using firearms safely by a person by submitting certain information to the Board on a form prescribed by the Board within 5 days after the person completes the course. (NAC 648.350) **Section 18** of this regulation instead requires a firearms instructor to certify the successful completion of a course by recording certain information on the Internet website established and maintained by the Board within 2 days after the completion of the course.

Under existing regulations, certain fines assessed by the Board must be paid by cashier's check or money order. (NAC 648.433, 648.439) **Sections 20 and 21** of this regulation additionally authorize payment of these fines by debit card or credit card.

Existing regulations authorize the Board to: (1) grant a license to a corporation without a qualifying agent under certain circumstances; and (2) approve an application if the applicant complies with all prerequisites for the license within 90 days. (NAC 648.235, 648.320) **Section 22** of this regulation repeals this authorization, thereby requiring: (1) a corporation to have a qualifying agent to receive a license from the Board; and (2) an applicant to comply with all prerequisites for a license before the Board approves an application for a license.

Existing law requires a licensee to maintain certain liability insurance or act as a self-insurer against liability. (NRS 648.135) **Section 22** repeals a duplicative requirement from the Nevada Administrative Code. (NAC 648.325)

Section 1. NAC 648.110 is hereby amended to read as follows:

648.110 As used in this chapter, unless the context otherwise requires, ~~the words and terms defined in NRS 648.006 to 648.016, inclusive, have the meanings ascribed to them in those~~

~~sections.}~~ *“qualifying agent” means a person who is approved by the Board to act as a qualifying agent for a corporate licensee.*

Sec. 2. NAC 648.140 is hereby amended to read as follows:

648.140 The Executive Director shall:

1. Prepare the agenda for the meeting under the supervision of the Chair and considering the suggestions of the members;
2. Forward a copy of the agenda to each member of the Board not later than 15 days before the scheduled date of the meeting;
3. Give an account of all money received by the Board at each meeting;
4. Keep a record of each meeting and make copies of the minutes available to each member of the Board; ~~and~~
5. Preserve the record of each meeting as a state record ~~}; and~~
6. *Serve as the custodian of records of the Board.*

Sec. 3. NAC 648.250 is hereby amended to read as follows:

648.250 A corporation which submits an application for qualification of an agent shall include with the application a copy of the employment contract between the corporation and the *qualifying* agent. The contract must set forth the ~~agent's~~ responsibilities, duties and authority *of the qualifying agent* in detail ~~};~~ *which must include, without limitation:*

1. *Managing the corporate licensee in this State, including, without limitation, management of the:*
 - (a) *Daily operations of the corporate licensee; and*
 - (b) *Conduct and professionalism of the staff of the corporate licensee;*

2. Executing and completing any document necessary to maintain the good standing of the corporate licensee in this State;

3. Carrying out the provisions of this chapter and chapter 648 of NRS;

4. Complying with any lawful and responsible order of the Board; and

5. Acting as an advisor for the principal officers of the corporate licensee.

Sec. 4. NAC 648.260 is hereby amended to read as follows:

648.260 1. A person who holds a license may change his or her status to that of a qualifying agent ~~{for a corporate licensee}~~ without taking the written examination, if the transfer is within the same category of license. The Board may require a background investigation of any person whose status has changed pursuant to this section if:

(a) The most recent background investigation was completed more than 18 months before the change in status; or

(b) There has been any complaint filed against the person with the Board.

2. If a person who is applying for a license for himself or herself previously held a license in the same category and ~~{surrendered}~~ it *was held in abeyance* to become a qualifying agent, ~~{for a corporation,}~~ the Board may require a background investigation if:

(a) The most recent background investigation was completed more than 18 months before the person applied for the license for himself or herself; or

(b) There has been any complaint filed against the person with the Board.

Sec. 5. NAC 648.265 is hereby amended to read as follows:

648.265 1. After August 15, 1981, the Board will not approve any application by a person to become a qualifying agent in the same category of license for more than one corporation. Any person whom the Board has approved before that date as a qualifying agent for two or more

corporations may continue to serve each such corporation so long as the person does not terminate affiliation with it.

2. Any person who holds a license issued by the Board must ~~{surrender that}~~ *have his or her* license ~~{for cancellation or to be}~~ held in abeyance before the Board will approve the person's application to become a qualifying agent ~~{for a corporate license}~~ in the same category of license.

3. Any person who has been issued an identification card as the qualifying agent ~~{for a corporate licensee}~~ must surrender that card to the Board for destruction before the Board will approve the person's application for a license for himself or herself or return the person's license held in abeyance.

Sec. 6. NAC 648.310 is hereby amended to read as follows:

648.310 1. The Board will prepare *and administer* examinations ~~{and may designate one or more police officers or other law enforcement officials to administer them. —2. Examinations will be given}~~ in January, April, July and October of each year ~~{}~~ *and at any other time the Executive Director deems necessary.*

~~{3.}~~ 2. The Executive Director shall fix the time, date and place for each examination.

~~{4.}~~ 3. Except as otherwise provided in subsection ~~{5.}~~ 4, examinations will be administered simultaneously to all applicants whether or not the examinations are being given at one location or more than one location.

~~{5.}~~ 4. Field examinations for licensing as canine security handlers and trainers will not be administered at the same time as written examinations are being given.

Sec. 7. NAC 648.330 is hereby amended to read as follows:

648.330 1. If a licensee or an applicant is or becomes employed as a peace officer, as defined in NRS 169.125, or by a federal, state or local law enforcement agency, or in a position

which makes him or her eligible to contribute to any public employees' retirement system and the Board finds that his or her private activities as a licensee create or would tend to create:

(a) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(b) The possibility of a use of his or her position with the public employer for personal advantage in the private activities,

↳ the Board will hold his or her license in abeyance for as long as he or she continues to have those responsibilities or serve in that position. Except as otherwise provided in subsection 2, a licensee may not engage in licensed activities while his or her license is being held in abeyance.

2. Except as otherwise provided in this subsection, a licensee who is ~~the~~ a qualifying agent ~~for a corporate licensee pursuant to chapter 648 of NRS may~~ **must** have his or her license ~~placed~~ **held** in abeyance ~~as long as he or she refrains~~ **and refrain** from engaging in licensed activities independent of his or her status as a qualifying agent. A licensee who became a qualifying agent before January 1, 1985, may have the license that is in the same category as his or her status as a qualifying agent ~~placed~~ **held** in abeyance for as long as he or she retains such status. If the Board finds that a licensee's status as a qualifying agent creates or would tend to create:

(a) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(b) The possibility of a use of his or her position with the public employer for personal advantage in the private activities,

↳ the licensee may no longer act as a qualifying agent for the corporation.

3. ~~{A licensee whose license is held in abeyance pursuant to subsection 1 or 2, must surrender the license to the Executive Director of the Board.}~~ If the provisions of subsection 1 or 2 no longer require that a license be held in abeyance, the Executive Director shall return the license to the former holder. The Executive Director may consult with the Board before making this determination.

4. If a licensee who is not in the situation described in subsection 1 or 2 wishes to have his or her license held in abeyance, he or she may voluntarily ~~{surrender the license to the Executive Director, who will}~~ *request that the Board* hold it in abeyance for any period specified by the requester, not exceeding 3 years. The Board may, upon request, grant an extension of the 3-year period if it finds that good cause warrants the extension. The Board will conduct an investigation of each licensee who, at the time he or she requests the return of the license held in abeyance pursuant to this subsection:

- (a) Is not a qualifying agent ; ~~{of a corporation licensed by the Board;}~~
- (b) Is not working pursuant to any other license issued to him or her by the Board; or
- (c) Is not employed as a peace officer, as defined in NRS 169.125, or by a federal, state or local law enforcement agency, or in a position which makes him or her eligible to contribute to any public employees' retirement system and the Board believes that his or her private activities as a licensee create or would tend to create:

(1) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(2) The possibility of a use of his or her position with the public employer for personal advantage in the private activities.

↪ The Board will, upon completion of its investigation, notify the licensee whether the license will be returned.

5. The Board will not hold the license of an intern in abeyance.

6. A license which is being held in abeyance pursuant to this section must be renewed in accordance with the provisions for such licenses set forth in chapter 648 of NRS.

Sec. 8. NAC 648.338 is hereby amended to read as follows:

648.338 1. Except as otherwise provided in subsection 2, a licensee may not employ an unlicensed person who is or becomes employed:

(a) As a peace officer, as defined in NRS 169.125;

(b) By a federal, state or local law enforcement agency; or

(c) In a position which makes the unlicensed person eligible to contribute to any public employees' retirement system.

2. Upon receipt of a written request for exemption ~~from the~~ :

(a) *The Board may grant an exemption from the ~~prohibitions~~ prohibition set forth in paragraph (a) or (b) of subsection 1 if the Board makes the findings specified in subsection 3.*

(b) *The Executive Director or his or her designee may grant an exemption from the prohibition set forth in paragraph (c) of subsection 1 if the Executive Director or his or her designee makes the findings specified in subsection 3.*

3. *The Board or the Executive Director or his or her designee may grant an exemption pursuant to subsection 2 if the Board or the Executive Director or his or her designee, as applicable, finds that the private activities of the unlicensed person on behalf of the licensee would not create or tend to create:*

(a) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(b) The possibility of a use of his or her position with the public employer for personal advantage in his or her private activities.

Sec. 9. NAC 648.3385 is hereby amended to read as follows:

648.3385 1. A licensee shall not employ a person unless the person employed by the licensee is provisionally registered or registered. A licensee shall immediately terminate the employment of a person employed by a licensee if the Board notifies the licensee that the Board has denied, suspended or revoked the provisional registration or registration of the person.

2. If a person applies for employment with a licensee, the licensee or a designated employee of the licensee shall review the system of records maintained by the Board pursuant to NAC 648.3435 to determine whether the person is registered, is provisionally registered or has had his or her registration or provisional registration denied, suspended or revoked.

3. If a licensee determines that the person is not registered or provisionally registered, and is not subject to denial, suspension or revocation, the licensee must instruct the person to:

(a) Complete the application for registration;

(b) Obtain ~~two~~ *a* complete ~~sets~~ *set* of fingerprints or provide a receipt for electronic submission of fingerprints to the Board;

(c) Pay all applicable fees; and

(d) Unless otherwise instructed by the Board, submit the application for registration to the Board.

4. If a licensee determines that the provisional registration or registration of a person who applies for employment with the licensee has been denied, suspended or revoked by the Board,

the licensee shall notify the applicant that he or she must contact the Board to obtain information concerning the denial, suspension or revocation.

5. Each licensee shall ~~maintain a passport-size photograph of~~ *retain a copy of the pocket card issued pursuant to NRS 648.1493 to* each person employed by the licensee. The licensee shall retain the ~~photograph~~ *copy* for not less than 5 years after the last date on which the person is employed by the licensee. The ~~photograph~~ *copy* may be in the form of a photograph or may be digitally stored, but the ~~photograph~~ *copy* must be capable of being reproduced and available at the request of the Board.

6. Any person who violates the provisions of this section is subject to disciplinary action by the Board.

7. A licensee shall maintain written documentation establishing that the licensee received an application from each applicant for employment before accessing the Internet website established pursuant to NAC 648.3435 for at least 4 years after the date of receipt of the application.

8. The Board will interpret “employed by” as used in this section and NRS 648.060 to include a person who performs the same duties as an employee.

Sec. 10. NAC 648.3403 is hereby amended to read as follows:

648.3403 1. The Board will charge and collect the following fees for registration with the Board:

- (a) If the applicant submits to the Board ~~two~~ *a* fingerprint ~~cards,~~ *card*, \$95; or
- (b) If the applicant submits to the Board a receipt for the electronic submission of fingerprint cards, \$85.

2. Each applicant must submit the fee required by subsection 1 with the application for registration.

3. The fee required by this section is in addition to any other fee required by law.

Sec. 11. NAC 648.341 is hereby amended to read as follows:

648.341 Before a licensee employs an unlicensed person, ~~{a private patrol officer or security guard who is licensed by the Board}~~ *the licensee* must ~~{~~

~~—1.— Administer an examination provided by the Board and ensure that the unlicensed person passes the examination with a score of 100 percent;~~

~~—2.— Verify~~ *verify* that the unlicensed person has passed ~~{an}~~ *the* examination administered by the Board *pursuant to NAC 648.342* with a score of 100 percent. ~~{; or~~

~~—3.— Verify that the unlicensed person has passed an examination administered by another licensee within the immediately preceding 60 months with a score of 100 percent.}~~

Sec. 12. NAC 648.342 is hereby amended to read as follows:

648.342 The examination ~~{provided}~~ *required by NAC 648.341 must be:*

1. Provided and administered by the Board ; and ~~{administered by the licensee must be designed}~~

2. Designed to ensure that each registered employee has a familiarity with and a thorough understanding of core topics, and must include, without limitation:

~~{1.}~~ *(a)* Recognizing noncompliance with specific laws, including, without limitation, NRS 171.126, 199.310, 199.430, 207.200, 648.013, 648.016, subsection 5 of NRS 648.030, NRS 648.060, 648.063, 648.140, 648.160, 648.200 and 648.203;

~~{2.}~~ *(b)* Recognizing noncompliance with specific regulations, including, without limitation, subsection 3 of NAC 648.334, NAC 648.338 and subsection 5 of NAC 648.431;

~~{3.}~~ (c) General rights of citizens;

~~{4.}~~ (d) Powers of arrest; and

~~{5.}~~ (e) Limits of authority.

Sec. 13. NAC 648.343 is hereby amended to read as follows:

648.343 1. ~~{A private patrol officer or security guard licensed by the Board who administers an examination provided by the Board to an unlicensed person shall record the date of the examination on the unlicensed person's record on the Internet website established pursuant to NAC 648.3435 within 5 business days after the date of the examination.~~

~~—2.— The licensee shall keep a copy of the results of the examination on file for 60 months after the date of the examination.}~~ The Board may audit the records of ~~{the}~~ a licensee ~~{. The licensee shall notify the Board through the Internet website established pursuant to NAC 648.3435 within 10 days after the licensee terminates the employment of an unlicensed employee.~~

~~—3.— As proof that an unlicensed employee has passed the examination with a score of 100 percent, a licensee may accept a card issued for that purpose by the Board to the unlicensed employee which contains the results of the examination or verify the examination through the Internet website established pursuant to NAC 648.3435.}~~ *to ensure compliance of the licensee with this chapter, chapter 648 of NRS and any other relevant provision of law by reviewing the records of the licensee, including, without limitation:*

(a) Documentation of any industrial insurance held by the licensee;

(b) Documentation and records of the licensee relating to payroll, workers' compensation and unemployment;

(c) Business records of the licensee or filings submitted by the licensee in the normal course of business;

(d) Any state business license held by the licensee;

(e) Advertisements or written communications described in NAC 648.525;

(f) Copies of any pocket cards retained by the licensee pursuant to NAC 648.3385; and

(g) Copies of any photograph submitted pursuant to NAC 648.530.

2. The Board may conduct an audit authorized by subsection 1 at the primary place of business of the licensee, a branch or other place of business of the licensee or at the office of the Board.

3. A licensee shall make any record requested by the Board available to the Board within 30 days after receipt of the request. Failure to comply with the requirements prescribed by this subsection constitutes grounds for disciplinary action pursuant to NRS 648.150.

Sec. 14. NAC 648.3435 is hereby amended to read as follows:

648.3435 1. The Board will establish and maintain an Internet website that contains a system of records which:

(a) Contains information regarding ~~{}~~ *each person who:*

(1) ~~{Each person who is}~~ *Is* registered with the Board, including, without limitation, the contact information of the licensee who employs the person; ~~{and}~~

(2) ~~{Each person who has}~~ *Has* applied for registration with the Board, including, without limitation, the contact information of the person; ~~{and}~~ *or*

(3) Has successfully completed a course of training in carrying, handling and using firearms safely, including, without limitation, information contained on any certificate of

completion issued to the person and a description of any other qualifications of the person relating to firearms; and

(b) Identifies each person whose registration is expired, is denied by the Board, or is otherwise suspended or revoked.

2. *The Board shall include on the Internet website information concerning any training required for the issuance or renewal of a license or registration.*

3. The portion of the Internet website that contains the system of records may only be accessed in the manner authorized by this section and NAC 648.3385.

~~13.1~~ 4. Before a licensee grants any employee access to the portion of the Internet website that contains the system of records maintained by the Board, the licensee shall provide the Board with the name, social security number and date of birth of the employee.

~~14.1~~ 5. Upon the termination of employment of the employee or the reassignment of the employee to a position that no longer requires the employee to access the portion of the Internet website that contains the system of records, the licensee shall immediately notify the Board of the termination or reassignment.

~~15.1~~ 6. Except as otherwise provided in this section and NAC 648.3385, the information contained in the system of records is confidential and must not be disclosed by any licensee or employee of a licensee.

Sec. 15. NAC 648.344 is hereby amended to read as follows:

648.344 1. If a person who is registered becomes employed by another or additional licensee, the new employer shall file a change of employment notice with the Board by entering the information required by the Board into the system of records contained on the Internet

website established pursuant to NAC 648.3435 not later than ~~15~~ 3 business days after the employee becomes employed with the new employer.

2. A person is deemed provisionally registered as an employee upon the filing of a change of employment notice ~~in accordance with~~ *by an employer pursuant to* subsection 1. The provisional registration is valid for 90 days after the provisional registration is issued by the Board, unless the Board denies, suspends or revokes the provisional registration.

3. The filing of the change of employment notice does not affect the date on which the registration of the employee expires.

4. A licensee that terminates the employment of a person who is registered shall, not later than 3 business days after the date on which the termination occurs, file a termination of employment notice with the Board by entering the information required by the Board into the system of records contained on the Internet website established pursuant to NAC 648.3435.

5. If a person who is registered as an employee has not performed work for a licensee within the immediately preceding 12 months, the licensee must immediately terminate the employment of the person and file a termination of employment notice with Board in accordance with subsection 4.

Sec. 16. NAC 648.345 is hereby amended to read as follows:

648.345 1. A licensee or an employee who is registered pursuant to NRS 648.1493 may not carry any firearm while performing the duties for the type of business for which he or she is licensed or employed unless the licensee or employee:

(a) Is certified by the Board as a firearms instructor pursuant to subsection ~~12~~ 3 or ~~1~~ ~~(b) Has~~ *has* successfully completed and received certification from a course of training approved by the Board in carrying, handling and using firearms safely ~~1~~ *1*; *and*

(b) Is at least 21 years of age.

2. *An employee who is provisionally registered pursuant to NRS 648.1495 may not:*

(a) Attend or receive certification from a course of training approved by the Board in carrying, handling and using firearms safely; or

(b) Carry a firearm while performing the duties for the type of business for which he or she is employed.

3. The Board may certify a person who meets the requirements of subsection 1 of NRS 648.110 as a firearms instructor in carrying, handling and using firearms safely if the applicant:

~~(a) Is at least 21 years of age.~~

~~(b)~~ Has not been convicted of a felony or any crime involving the illegal use or possession of a firearm.

~~(c)~~ *(b)* Submits a completed application with proof satisfactory to the Board of the applicant's qualifications and experience and pays a fee of \$100. The application must include:

(1) A detailed statement of the applicant's qualifications and experience in carrying, handling and using firearms.

(2) A detailed statement of the applicant's qualifications and experience in providing instruction to other persons in carrying, handling and using firearms safely, including, without limitation, the applicant's experience in providing instruction to peace officers, security officers or military personnel in carrying, handling and using firearms safely.

(3) Evidence of the applicant's successful completion of at least 40 hours of training on the instruction of peace officers, security officers or military personnel in carrying, handling and using firearms safely, and evidence of the applicant's certification as an instructor for peace

officers, security officers or military personnel for each type of firearm for which the applicant wishes to provide such instruction.

~~(d)~~ (c) Successfully passes a written examination for firearms instructors, which must include, without limitation, questions relating to:

(1) The applicable federal and state laws and regulations, local government ordinances and court decisions related to carrying, handling and using firearms and the use of deadly force.

(2) The requirements of this chapter and chapter 648 of NRS and any administrative requirements.

(3) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(4) The process for conducting and the contents of the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346.

~~(e)~~ (d) Successfully passes a live fire skills test for firearms instructors by:

(1) Demonstrating each of the skills required by the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346.

(2) Qualifying with the course of fire established *and maintained* by the Board pursuant to NAC 648.346 with a minimum score of ~~{275 out of 300 on a full-size B27-type target}~~ **90 percent** for each type of firearm for which the applicant wishes to provide such instruction.

(3) Demonstrating knowledge of the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346 by successfully teaching any section of the course with not more than 15 minutes of notice from an instructor designated by the Board.

↪ At any time during the live fire skills test, an instructor designated by the Board may prohibit an applicant from proceeding because the applicant has demonstrated a skill deficiency or has committed a safety violation.

~~13.1~~ 4. To renew the applicant's certification as a firearms instructor, the applicant must:

(a) Submit an application for renewal to the Board on or before July 1 next following the date the certificate was issued or last renewed;

(b) Submit proof satisfactory to the Board of the completion of at least 8 hours of education or training on the subjects described in NAC 648.346 within the previous 12 months; and

(c) Pay a fee to the Board of \$100.

~~14.1~~ 5. As evidence of a person's certification as a firearms instructor or renewal thereof, the Board will issue to the person a certification card which he or she shall carry on his or her person.

Sec. 17. NAC 648.346 is hereby amended to read as follows:

648.346 1. Except as otherwise provided in subsection 5, the minimum curriculum for a course of training in carrying, handling and using firearms safely that is taught for the purposes of NRS 648.030 must include instruction designed to teach:

(a) The legal and civil responsibilities of carrying, handling and using a firearm, including:

(1) The applicable federal and state laws and regulations and local governmental ordinances related to carrying, handling and using firearms and the use of deadly force.

(2) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(3) The consequences and risks related to carrying, handling and using firearms and the use of deadly force.

- (4) The elements of self-defense, using a weapon in self-defense and the use of force.
 - (5) Recent court decisions related to carrying, handling and using firearms and the use of deadly force.
- (b) The terminology related to and the maintenance of different types of firearms and their related systems, including:
- (1) The operational and mechanical systems and parts of a firearm and the related terminology.
 - (2) The types of ammunition and their ballistic properties and effective uses.
 - (3) The inspection, storage and general care of ammunition.
 - (4) The inspection, care, cleaning and maintenance of a firearm.
- (c) Carrying, handling and using a firearm safely, including:
- (1) The safe handling, use and storage of firearms when off duty.
 - (2) The safe transportation of a firearm.
 - (3) The appropriate methods of safely carrying a firearm while on duty.
 - (4) Safety and accessory equipment available to carry, handle and use a firearm safely.
- (d) The fundamentals of safe handling and shooting of firearms, including:
- (1) The fundamentals of operating a handgun.
 - (2) The general differences among handguns.
 - (3) The proper procedures and devices for loading, unloading and reloading a firearm.
 - (4) The fundamentals of shooting, such as the use of sights, sight picture and alignment, control of the trigger, breathing and firing in a single or double action.
 - (5) Proper techniques for gripping a handgun and shooting positions.

(6) Procedures for drawing and reholstering a firearm and techniques for retaining a firearm.

(7) The various positions for shooting when standing or kneeling.

(8) The use of barricades or other forms of cover and alternate shooting positions.

(e) The preparation for shooting at a firing range, including:

(1) The location of the range.

(2) The equipment to be used at the range.

(3) The course of fire ~~+~~ *established and maintained by the Board.*

(4) Targets to be used.

(5) Commands at the range.

(6) Safety and etiquette at the range.

(f) Exercises to be used at a firing range and the practical use of a firearm at the firing range, including:

(1) The review of safety procedures and etiquette at the firing range and a safety inspection of all firearms, holsters and accessories.

(2) Practicing drawing and holstering.

(3) Dry firing, the manipulation of the trigger and follow through.

(4) The procedures for loading, unloading and reloading.

(5) Exercises for firing with live ammunition to practice proper shooting techniques while firing at targets with a firearm of the same type and caliber as the firearm the person will use while on duty.

(6) Qualifying with ~~+~~ *the* course of fire established *and maintained* by the Board ~~+~~ *using a firearm of the same type and caliber as the firearm the person will use while on duty. The*

~~course of fire must require firing at least 30 rounds of live ammunition with a passing score of 75 percent, and must include drawing and:~~

~~————(I) Shooting 5 rounds of ammunition from a distance of 3 yards in 15 seconds using only the dominant hand;~~

~~————(II) Transferring the firearm to the support hand and shooting 5 rounds of ammunition from a distance of 3 yards in 15 seconds using only the support hand;~~

~~————(III) Shooting 5 rounds of ammunition while standing, reloading the firearm and shooting 5 rounds of ammunition while kneeling, from a distance of 7 yards in 30 seconds; and~~

~~————(IV) Shooting 5 rounds of ammunition while standing, reloading the firearm and shooting 5 rounds of ammunition while kneeling, from a distance of 15 yards in 30 seconds,~~

~~↪ on a full-size B27-type target. The scoring areas on the target are the “X” in the center of the target, which receives a score of 10, and the 10, 9, 8 and 7 rings. Any hits outside of such areas do not receive a score.] *with a passing score of at least 75 percent.*~~

2. Except as otherwise provided in subsection 5, the course must consist of:

(a) Eight hours of training and instruction on carrying, handling and using a firearm safely, including the completion of a written examination designated by the Board, with a passing score of *at least* 75 percent.

(b) A minimum of ~~5~~ 8 hours of instruction and training on a firing range during which each person must qualify using a firearm of the same type and caliber as the firearm the person will use while on duty.

3. The course must be completed within a period of 14 days. Each day of the course must consist of a number of contact hours of training. Not more than 9 contact hours of training may occur on any day.

4. If a person fails to complete the written examination with a passing score of *at least 75 percent* as specified in paragraph (a) of subsection 2 or to qualify ~~using a firearm of the same type and caliber as the firearm the person will use while on duty~~ *with the course of fire with a passing score of at least 75 percent* as specified in subparagraph (6) of paragraph (f) of subsection 1:

(a) Except as otherwise provided in paragraph (b), the person must repeat the course in full before retaking the written examination and firearm qualification.

(b) At the discretion of the instructor, for good cause shown, the person may retake the written examination and the firearm qualification without repeating the course in full if the person completes such remedial training as the instructor determines is appropriate, taking into account the person's performance on the previous written examination and firearm qualification. The instructor may charge an additional fee for the remedial training.

5. If a firearms instructor is unable to provide a course which meets the requirements of this section because he or she provides security on a military installation and has no other reasonable means to provide the training and qualification required for such a course, he or she may submit a written request to the Executive Director asking for an exemption from those requirements and permission to offer a course with substitute training and qualification for persons employed on that military installation. When requesting an exemption pursuant to this subsection, the firearms instructor must provide:

(a) Proof of his or her inability to provide a course which meets the requirements of this section and to make reasonable accommodations to provide the training and qualification required for such a course; and

(b) A copy of the proposed substitute training and qualification and a signed affirmation, on a form provided by the Board, acknowledging that any person who successfully completes the course is required to sign a form pursuant to subsection 6.

↪ The Executive Director may, in his or her discretion and on a case-by-case basis, grant an exemption pursuant to this subsection after taking into consideration the totality of the circumstances.

6. Before a person who successfully completes a course pursuant to subsection 5 may carry a firearm on the military installation on which he or she is employed, the person must sign an affirmation, on a form provided by the Board, acknowledging that:

(a) He or she is only authorized to carry a firearm of the same type and caliber that he or she is qualified to carry and only on the military installation where he or she is employed; and

(b) The certification card issued to the person pursuant to NAC 648.350 will be confiscated upon termination of his or her employment on the military installation.

7. As used in this section, “contact hour” means 50 minutes of instruction in a period of 60 minutes.

Sec. 18. NAC 648.350 is hereby amended to read as follows:

648.350 1. To certify a person’s successful completion of the course of training in carrying, handling and using firearms safely, and his or her successful qualification with a firearm, a firearms instructor shall, within ~~5~~ 2 days ~~to~~ *after* the person’s successful completion of the course of training ~~[and on a form provided by the Board, submit to the Board]~~, *record* the person’s name and registration number, the time, date and location of the course of training, and the certifications and qualifications that the person obtained ~~+~~ *in the person’s record on the Internet website established pursuant to NAC 648.3435.*

2. After ~~receipt of~~ the information ~~submitted pursuant to~~ *described in* subsection 1 ~~it~~ *has been recorded on the Internet website established pursuant to NAC 648.3435*, the Board will:

(a) Issue to a person who has successfully completed the course of training a plastic certification card which contains the name, photograph and registration number of the person, the expiration date of the person's certification and the designated qualification months established for that person pursuant to subsection 3; and

(b) Maintain an electronic record for each person who has been issued a certification card pursuant to paragraph (a) that indicates whether the person's card is valid and lists each type and caliber of firearm that the person is certified to carry, handle and use.

3. A person who has been certified pursuant to this section and who wishes to maintain his or her certification must successfully qualify for certification every 6 months, on any day during his or her designated qualification months. The designated qualification months are determined by the month of the person's initial qualification and will not change. If, after a person's initial qualification, the person successfully qualifies for certification or for a different type or caliber of firearm during a month that is not one of his or her designated qualification months, the person must successfully qualify again during his or her next designated qualification month, even if the period between such qualifications is less than 6 months. The qualification cycle will be as follows:

Initial course month

Designated qualification months

January or July

January and July

February or August

February and August

March or September

March and September

April or October

April and October

May or November

May and November

June or December

June and December

4. The certification card issued pursuant to subsection 2 is valid for 5 years if the person successfully qualifies every year during each of his or her designated qualification months on a course of fire that is given by a certified firearms instructor and is approved by the Board. If the person fails to qualify during any of his or her designated qualification months, the card becomes invalid and the person shall not use a firearm in the course of employment until he or she successfully qualifies.

5. Except as otherwise provided in this subsection, if a person fails to qualify for at least 2 successive designated qualification months or his or her certification card expires, he or she must repeat the course of training. If a person fails to qualify during at least 2 successive designated qualification months or his or her certification card expires because he or she is deployed on full-time active duty in the Armed Forces of the United States, the person may request an exemption from repeating the course of training by submitting a written request along with official documentation of such deployment to the Executive Director. The Executive Director may, in his or her discretion and on a case-by-case basis, grant an exemption pursuant to this subsection after taking into consideration the totality of the circumstances.

6. To cover the Board's administrative costs related to the certification and qualification of a person by a certified firearms instructor, the instructor shall remit to the Board \$25 for each certification card issued by the Board pursuant to this section and \$5 for each qualification of a

person pursuant to subsection 3. If a person’s certification card is lost or stolen, the person must remit to the Board \$25 to obtain a replacement card.

7. The person to whom the certification card is issued shall:

(a) Have it in his or her possession while carrying a firearm in the performance of his or her duties;

(b) Produce it upon the request of any peace officer or a representative of the Board; and

(c) Not carry or possess a firearm in the performance of his or her duties unless the certification card is valid.

Sec. 19. NAC 648.431 is hereby amended to read as follows:

648.431 1. If a notice of violation is issued, the Board will impose a fine of not more than the following amounts for violations of the provisions listed:

	First Offense	Second Offense	Third and Subsequent Offense
NRS 648.135	\$50	\$100	\$200
Subsection 2 of NRS 648.142	25	50	75
Subsection 3, 4 or 5 of NRS 648.142	50	100	200
Subsection 1 of NAC 648.530.....	50	100	200

2. If a notice of violation is issued, the Board will impose a fine of not more than the following amounts for violations of the provisions listed:

Subsection 1 of NRS 648.148	\$50
Subsection 2 of NRS 648.148	75
Subsection 1 of NRS 648.149	50
NAC 648.380	25
NAC 648.525	100

3. If a notice of violation is issued, the Board will impose a fine upon a licensee calculated per employee of not more than the following amounts for violations of the provisions listed:

	First Offense	Second Offense	Third and Subsequent Offense
Subsection 2 of NRS 648.060	\$50	\$75	\$100
Subsection 2 or 3 of NRS 648.140	25		
NAC 648.343	25		
Subsection 1 of NAC 648.345.....	750		

4. If a notice of violation is issued, the Board will impose a fine of not more than:

(a) For the first violation of a provision of NAC 648.350, \$500; and

(b) For the first violation of subsection 2 of NAC 648.530, \$300.

↳ In the case of a second or subsequent violation, the Board will take any disciplinary action authorized pursuant to NRS 648.175 which the Board deems appropriate.

5. If a notice of violation is issued, the Board will impose a fine of not more than \$150 on a licensee's employee who violates subsection ~~44~~ 5 of NAC 648.345.

Sec. 20. NAC 648.433 is hereby amended to read as follows:

648.433 1. A copy of the notice of violation must be served personally or by certified or registered mail. The original notice must be filed in the office of the Board.

2. A fine imposed in a notice of violation ~~must~~ *may* be paid by *credit card, debit card, cashier's check or money order.*

3. The Board may, upon request, arrange a schedule of payments for the payment of such a fine.

Sec. 21. NAC 648.439 is hereby amended to read as follows:

648.439 1. A copy of a citation issued pursuant to NRS 648.165 must be served personally or by certified or registered mail. The original citation must be filed in the office of the Board.

2. A fine assessed pursuant to subsection 4 of NRS 648.165 ~~must~~ *may* be paid by *credit card, debit card, cashier's check or money order.*

3. The Board may, upon request, arrange a schedule of payments for the payment of such a fine.

Sec. 22. NAC 648.235, 648.320 and 648.325 are hereby repealed.

TEXT OF REPEALED SECTIONS

648.235 Corporations: Licensing without qualifying agent. (NRS 648.030)

1. The Board may grant a license to a corporation without a qualifying agent if the corporation:

(a) Complies with all other statutory and regulatory prerequisites for the license;

(b) Agrees to file an application for a qualifying agent within 6 months after the date the Board approves the application; and

(c) Agrees not to engage in the occupation for which it is licensed until the application for a qualifying agent is approved by the Board.

2. If a corporation is granted a license pursuant to subsection 1 and fails to comply with any provision of subsection 1, the license is automatically forfeited and the Board will rescind its approval and reject the application.

3. If the Board rescinds its approval pursuant to this section, the Executive Director shall demand the return of the license, and the licensee shall return it as soon as practicable.

648.320 Compliance with prerequisites for license. (NRS 648.030)

1. Except as otherwise provided pursuant to NAC 648.235, if the Board has approved an application for a license and has directed that the license be issued subject to compliance by the applicant with all statutory and regulatory prerequisites for the license, the applicant must comply within 90 days after the date on which the Board approved the application.

2. If the applicant fails to comply within 90 days, the Board may rescind its approval and reject the application unless the applicant has shown good cause for the delay.

3. If the Board rescinds its approval pursuant to this section, the Executive Director shall demand the return of the license, and the licensee shall return it as soon as practicable.

648.325 Insurance required for all services provided under license. (NRS 648.030, 648.135) A licensee must be properly insured pursuant to NRS 648.135 for all services provided under his or her license.