

Amendment No. CA19

Conference Committee Amendment to Senate Bill No. 99 Second Reprint	(BDR 52-127)
Proposed by: Conference Committee	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

MSN/TMC



Date: 6/6/2011

S.B. No. 99—Makes various changes concerning consumer protection.
(BDR 52-127)



SENATE BILL NO. 99—SENATOR HARDY

PREFILED JANUARY 25, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes concerning consumer protection.
(BDR 52-127)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to consumer protection; prescribing certain mandatory terms of a contract for grant writing services; providing certain exemptions; **revising certain provisions concerning solicitations by telephone;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 16** of this bill sets forth requirements applicable to contracts for grant writing
2 services in this State. **Section 7** of this bill defines “grant writing service.” **Section 22** of this
3 bill provides that a violation of the provisions of this bill constitutes a deceptive trade practice.
4 **Section 9** of this bill exempts from the provisions of this bill the providing of certain
5 education and training relating to grants and certain grant writing services that offer services
6 relating to affordable housing and community development projects. **Section 27 of this bill**
7 **exempts certain persons from certain provisions concerning telephone solicitations.**

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

1 **Section 1.** Chapter 598 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 23, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 23, inclusive, of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of*
5 *this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Buyer” means a natural person who is solicited to purchase or*
7 *who purchases the services of a grant writing service.*

8 **Sec. 3.5.** (Deleted by amendment.)

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

10 **Sec. 5.** (Deleted by amendment.)

11 **Sec. 6.** *“Grant” means any money given by a governmental entity or any*
12 *other person or organization to finance a specific or general purpose.*

1 **Sec. 7. “Grant writing service” means a person who, with respect to**
2 **obtaining any grant or other payment, loan or money, advertises, sells, provides**
3 **or performs, or represents that he or she can or will sell, provide or perform, any**
4 **of the following services in return for the payment of money or other valuable**
5 **consideration:**

- 6 1. **Writing an application for a grant for a buyer.**
- 7 2. **Obtaining a grant for a buyer.**
- 8 3. **Providing advice or assistance to a buyer in obtaining a grant.**

9 **Sec. 8.** (Deleted by amendment.)

10 **Sec. 9. The provisions of sections 2 to 23, inclusive, of this act do not apply**
11 **to:**

12 1. **A grant writing service which provides services relating to an affordable**
13 **housing and community development project which is financed, in whole or in**
14 **part, by tax credits for low-income housing, private activity bonds or money**
15 **provided by a private entity, government, governmental agency or political**
16 **subdivision of a government, including, without limitation, any money provided**
17 **pursuant to 12 U.S.C. § 1701q, 26 U.S.C. § 42, 42 U.S.C. § 8013 or 42 U.S.C. §§**
18 **12701 et seq.**

19 2. ~~**The providing of education**~~ **Education and training regarding**
20 **procedures for writing, obtaining or managing grants** ~~**+**~~ **that is provided by an**
21 **educational institution which is accredited by an accrediting body that is**
22 **recognized by the United States Department of Education.**

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

24 **Sec. 11.** (Deleted by amendment.)

25 **Sec. 12.** (Deleted by amendment.)

26 **Sec. 13.** (Deleted by amendment.)

27 **Sec. 14.** (Deleted by amendment.)

28 **Sec. 15.** (Deleted by amendment.)

29 **Sec. 16. A contract between a buyer and a grant writing service for the**
30 **purchase of the services of the grant writing service:**

31 1. **Must be in writing.**

32 2. **Must be signed by the buyer or, if the transaction is conducted**
33 **electronically, otherwise acknowledged by the buyer.**

34 3. **Must be dated.**

35 4. **Must clearly indicate above the signature or acknowledgment line that**
36 **the buyer may cancel the contract within 5 days after execution of the contract by**
37 **giving written notice to the grant writing service of his or her intent to cancel the**
38 **contract. If the notice is mailed, the notice must be postmarked not later than 5**
39 **days after the execution of the contract.**

40 5. **Must include a detailed description of the services to be performed by the**
41 **grant writing service for the buyer and the total amount the buyer is obligated to**
42 **pay for those services.**

43 6. **Must include a statement in at least 12-point bold type informing the**
44 **buyer of his or her right to file a complaint concerning the grant writing service**
45 **with the Bureau of Consumer Protection in the Office of the Attorney General,**
46 **including the physical address and telephone number for the Bureau.**

47 **Sec. 17.** (Deleted by amendment.)

48 **Sec. 18.** (Deleted by amendment.)

49 **Sec. 19.** (Deleted by amendment.)

50 **Sec. 20.** (Deleted by amendment.)

51 **Sec. 21.** (Deleted by amendment.)

1 **Sec. 22.** *Any violation of sections 2 to 23, inclusive, of this act constitutes a*
2 *deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

3 **Sec. 23.** (Deleted by amendment.)

4 **Sec. 24.** (Deleted by amendment.)

5 **Sec. 25.** (Deleted by amendment.)

6 **Sec. 25.5.** (Deleted by amendment.)

7 **Sec. 26.** (Deleted by amendment.)

8 **Sec. 27.** NRS 228.600 is hereby amended to read as follows:

9 228.600 1. The provisions of NRS 228.590 do not prohibit a telephone
10 solicitor from making or causing another person to make an unsolicited telephone
11 call for the sale of goods or services to a telephone number in the currently
12 effective version of the list of telephone numbers in the registry if:

13 (a) There is a preexisting business relationship between the telephone solicitor
14 and the person who is called; and

15 (b) The telephone solicitor complies with the provisions of this section.

16 2. Before a telephone solicitor may make or cause another person to make an
17 unsolicited telephone call for the sale of goods or services based on a preexisting
18 business relationship, the telephone solicitor must establish and maintain an internal
19 do-not-call registry that complies with federal and state laws and regulations. The
20 internal do-not-call registry must:

21 (a) Include, without limitation, a list of the telephone numbers of any person
22 who has requested that the telephone solicitor not make or cause another person to
23 make an unsolicited telephone call for the sale of goods or services to a telephone
24 number of the person making the request; and

25 (b) Upon request, be provided by the person to the Attorney General.

26 3. In addition to the requirements set forth in subsection 2, at least once each
27 year, the telephone solicitor shall provide written notice to each person with whom
28 the telephone solicitor has a preexisting business relationship. The written notice
29 must:

30 (a) Inform the person that the telephone solicitor is providing the notice
31 pursuant to state law;

32 (b) Explain to the person that the telephone solicitor may elect to be placed on
33 the internal do-not-call list of the telephone solicitor and specify the procedures for
34 making such an election; and

35 (c) Explain to the person that the person may contact the customer service
36 department of the telephone solicitor or the Attorney General to obtain further
37 information concerning the provisions of this section and must provide the current
38 address, telephone number and electronic mail address of the customer service
39 department of the telephone solicitor and the Attorney General.

40 4. The provisions of subsection 3 do not apply to a person to whom a license
41 to operate an information service or a nonrestricted gaming license, which is
42 current and valid, has been issued pursuant to chapter 463 of NRS when
43 soliciting sales within the scope of his or her license.

44 5. As used in this section, "preexisting business relationship" means a
45 relationship between a telephone solicitor and a person that is based on:

46 (a) The person's purchase, rental or lease of goods or services directly from the
47 telephone solicitor, but not from any affiliate or associate of the telephone solicitor;
48 or

49 (b) Any other financial transaction directly between the person and the
50 telephone solicitor, but not between the person and any affiliate or associate of the
51 telephone solicitor,

1 ↪ that occurs within the 18 months immediately preceding the date of the
2 unsolicited telephone call for the sale of goods or services.