

(§§ 9, 11, 13)

(Reprinted with amendments adopted on April 18, 2013)**FIRST REPRINT****S.B. 261**

SENATE BILL NO. 261—SENATORS JONES, WOODHOUSE,
SPEARMAN, SEGERBLOM; FORD, HUTCHISON, KIHUEN AND
MANENDO

MARCH 15, 2013

JOINT SPONSORS: ASSEMBLYMEN HEALEY;
LIVERMORE AND MUNFORD

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to door-to-door solicitation. (BDR 52-829)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

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

AN ACT relating to the regulation of trades; requiring certain persons who engage in door-to-door commercial solicitation to obtain a permit from the Consumer Affairs Division of the Department of Business and Industry; providing for the issuance of identification badges to persons who engage in such solicitation; prohibiting commercial solicitation under certain circumstances; authorizing disciplinary action against the holder of a permit or identification badge; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law imposes certain requirements relating to door-to-door solicitations.
- 2 For example, a person engaged in the business or occupation of making such
- 3 solicitations is required to identify himself or herself and the purpose of his or her
- 4 visit within 30 seconds after beginning the conversation. (NRS 598.092) In
- 5 addition, a purchaser of certain goods and services sold door-to-door generally has
- 6 a statutory right to cancel the transaction within 3 business days, and a seller is



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7 required to provide the buyer with a form for giving notice of the cancellation.
8 (NRS 598.230, 598.250)

9 This bill adopts additional provisions for the regulation of door-to-door
10 solicitors. **Section 9** of this bill requires a person who engages in the business of
11 door-to-door solicitation for commercial purposes to apply for and obtain a permit
12 from the Consumer Affairs Division of the Department of Business and Industry.
13 **Section 9** further requires each person who is the agent or employee of a permit
14 holder and engages in solicitation pursuant to that permit (a "permitted solicitor")
15 to obtain an identification badge from the Division. **Section 10** of this bill provides
16 that certain persons are not eligible for a permit or identification badge, and **section**
17 **11** of this bill establishes the process by which a permit and identification badge are
18 issued. **Section 12** of this bill requires the Division to deny an application for a
19 permit or for the renewal of a permit if the applicant or permit holder is not eligible
20 for the permit or makes any material misrepresentation in the application. **Section**
21 **13** of this bill establishes the process for renewing a permit. **Section 16** of this bill
22 requires the Division to maintain a record of each permit and identification badge it
23 issues, together with a record of any violations committed by the permit holder or
24 permitted solicitor.

25 **Sections 17-19** of this bill directly regulate the conduct of door-to-door
26 solicitation. **Section 17** requires a permitted solicitor to display his or her
27 identification badge and to exhibit the badge and the permit on request by any
28 customer, prospective customer or law enforcement officer. **Section 18** regulates
29 the hours during which commercial solicitation may be conducted. **Section 19**
30 makes it unlawful to engage in solicitation wherever a "no solicitation" or "no
31 trespassing" sign is prominently displayed in public view at certain locations.

32 **Section 21** of this bill authorizes the Division to take disciplinary action against
33 a permit holder or permitted solicitor on specified grounds, and **section 22** of this
34 bill provides for judicial review of any such action. **Section 23** of this bill
35 authorizes the Division to adopt regulations necessary to carry out the other
36 provisions of this bill. Unless a greater penalty is prescribed by specific statute,
37 **section 24** of this bill provides that any violation of those provisions is a
38 misdemeanor.

39 **Sections 1 and 28-46** of this bill make conforming changes to various existing
40 provisions of NRS governing trade practices and solicitation by telephone.

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

1 **Section 1.** NRS 598.135 is hereby amended to read as follows:
2 598.135 The provisions of NRS 598.136, 598.137 and 598.138
3 do not apply to:

4 1. A contest of skill that does not involve the sale or lease of
5 any goods, property or service.

6 2. A person who is licensed as a seller or salesperson pursuant
7 to ~~chapter 599B of~~ NRS ~~§~~ **599B.005 to 599B.300, inclusive**, and
8 is engaging in an activity within the scope of that license.

9 3. A sale or purchase, or solicitation or representation made in
10 connection with the sale or purchase, of goods from a catalog or of
11 books, recordings, videocassettes, periodicals or other similar goods
12 offered by a seller or membership group which is regulated by the



1 Federal Trade Commission if the seller or membership group sends
2 goods, pursuant to an agreement, to a customer or member for his or
3 her inspection and, if unsatisfied after inspecting the goods, the
4 customer or member is entitled to receive a full refund of the
5 purchase price of the goods if the goods are returned undamaged to
6 the seller or membership group.

7 4. A solicitation, advertisement or promotion, or offer to
8 extend credit, made by a commercial bank, bank holding company,
9 subsidiary or affiliate of a bank holding company, trust company,
10 savings and loan association, credit union, industrial loan
11 company, personal property broker, consumer finance lender,
12 commercial finance lender or insurer, or any other person engaged
13 in the business of extending credit, who is regulated by an officer or
14 agency of the State or of the Federal Government.

15 5. A person licensed pursuant to chapter 463 of NRS and his or
16 her employees.

17 **Sec. 2.** Chapter 599B of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 3 to 27, inclusive, of this
19 act.

20 **Sec. 3.** *As used in sections 3 to 24, inclusive, of this act,*
21 *unless the context otherwise requires, the words and terms defined*
22 *in sections 4 to 8, inclusive, of this act have the meanings ascribed*
23 *to them in those sections.*

24 **Sec. 4.** *“Door-to-door commercial solicitation” means*
25 *making or attempting to make personal contact with a person at*
26 *his or her residence, without a prior specific invitation by or*
27 *appointment with the person, primarily for the purpose of:*

28 1. *Soliciting the sale of a service, goods, wares or*
29 *merchandise; or*

30 2. *Personally delivering to the person a handbill or flyer*
31 *advertising a commercial event, activity, good or service that is*
32 *offered to the person for purchase at a location away from the*
33 *residence or at a future time.*

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

35 **Sec. 6.** *“Permit holder” means a person to whom a permit*
36 *has been issued by the Division pursuant to section 11 of this act.*

37 **Sec. 7.** *“Permitted solicitor” means an agent or employee of*
38 *a permit holder who is authorized to engage in door-to-door*
39 *commercial solicitation pursuant to that permit.*

40 **Sec. 8.** *“Residence” means a private residence in this State,*
41 *including, without limitation:*

42 1. *A condominium unit or apartment; and*

43 2. *The yards, grounds or hallways thereof.*



1 **Sec. 9. 1. It is unlawful for any person to engage in door-**
2 **to-door commercial solicitation in this State unless the person is a**
3 **permit holder or permitted solicitor.**

4 **2. Each applicant for a permit must submit a written**
5 **application to the Division, in the form prescribed by regulation of**
6 **the Division and made under penalty of perjury. In addition to any**
7 **other information required by regulation, the application must**
8 **include or be accompanied by:**

9 **(a) The full name and business address and telephone number**
10 **of the applicant;**

11 **(b) A statement of the intended purpose of the door-to-door**
12 **commercial solicitation;**

13 **(c) If the applicant is not a natural person:**

14 **(1) A statement of the nature of the applicant as a**
15 **corporation, limited-liability company or other form of business**
16 **entity;**

17 **(2) The full name and business address and telephone**
18 **number of each director, officer, owner, member or partner of the**
19 **applicant; and**

20 **(3) The name and business address and telephone number**
21 **of the applicant's registered agent in this State;**

22 **(d) A copy of the applicant's state business license issued**
23 **pursuant to chapter 76 of NRS and any business license required**
24 **by the local government where the applicant will engage in door-**
25 **to-door commercial solicitation;**

26 **(e) A complete set of the fingerprints of the applicant or, if the**
27 **applicant is not a natural person, a complete set of the fingerprints**
28 **of each director, officer, owner, member and partner of the**
29 **applicant, and written permission authorizing the Division to**
30 **forward the fingerprints to the Central Repository for Nevada**
31 **Records of Criminal History for submission to the Federal Bureau**
32 **of Investigation for its report; and**

33 **(f) A list of the persons who will be authorized to act as**
34 **permitted solicitors pursuant to the permit if the application is**
35 **granted and, for each such person:**

36 **(1) His or her full name, address, telephone number and**
37 **date of birth;**

38 **(2) A complete set of the fingerprints of the person and**
39 **written permission authorizing the Division to forward the**
40 **fingerprints to the Central Repository for submission to the**
41 **Federal Bureau of Investigation for its report;**

42 **(3) A physical description of the person, including his or**
43 **her height, weight, color of eyes and color of hair;**

44 **(4) A color photograph of the person, taken not more than**
45 **6 months preceding the date of the application, which fairly**



1 depicts the appearance of the person as of the date of the
2 application and is suitable for reproduction on an identification
3 badge issued pursuant to section 11 of this act; and

4 (5) The number and state of issuance of the driver's license
5 of the person, if any, or a copy of another form of photo
6 identification issued by a governmental entity.

7 3. The applicant must submit with the application:

8 (a) An application fee of \$200;

9 (b) For each person identified by the applicant as a person
10 who will be authorized to act as a permitted solicitor pursuant to
11 paragraph (f) of subsection 2, an additional fee of \$50 for
12 preparing and issuing an identification badge to that person if the
13 application is granted; and

14 (c) For each person identified pursuant to paragraphs (e) and
15 (f) of subsection 2, an additional fee, established by regulation of
16 the Division, equal to the sum charged by the Central Repository
17 for Nevada Records of Criminal History and the Federal Bureau
18 of Investigation for processing the person's fingerprints.

19 **Sec. 10.** A person is not eligible for a permit or identification
20 badge if:

21 1. He or she has previously been convicted of a felony or any
22 crime involving theft, fraud or dishonesty under the laws of this
23 State or an equivalent offense under any federal, state or local law
24 or ordinance; or

25 2. A permit or identification badge issued to the person has
26 been revoked during the immediately preceding 2 years by the
27 Division pursuant to section 21 of this act.

28 **Sec. 11.** 1. Unless the applicant is not eligible pursuant to
29 section 10 of this act or the Division denies the application
30 pursuant to section 12 of this act, the Division shall approve the
31 application within 5 business days after it receives the report of the
32 Central Repository for Nevada Records of Criminal History
33 relating to the applicant and each of the other persons identified
34 pursuant to paragraphs (e) and (f) of subsection 2 of section 9 of
35 this act. If the Division approves the application, the Division shall
36 issue the requested permit and an identification badge for each
37 person who is identified in the application as a person who will be
38 authorized to act as a permitted solicitor and who is not ineligible
39 pursuant to section 10 of this act.

40 2. A permit must be issued in the name of the applicant and is
41 not transferable to any other person. The Division shall create and
42 maintain for each permit a list of the persons who are permitted
43 solicitors pursuant to that permit.

44 3. A permit holder shall:



1 (a) Provide a copy of the permit to each permitted solicitor who
2 is authorized to engage in solicitation pursuant to the permit;

3 (b) Ensure that each permitted solicitor complies with the
4 terms and conditions of the permit and the provisions of sections 3
5 to 24, inclusive, of this act;

6 (c) Notify the Division in writing of the name of any person to
7 be added to or deleted from the list of persons who are permitted
8 solicitors pursuant to the permit; and

9 (d) For each person to be added to the list, submit to the
10 Division the information, materials and fees required for such
11 persons by section 9 of this act.

12 4. The Division shall issue an identification badge to any
13 person identified in a notice given pursuant to paragraph (c) of
14 subsection 3 as a person to be added to the list of persons who are
15 permitted solicitors pursuant to a permit within 5 business days
16 after determining that the person is not ineligible pursuant to
17 section 10 of this act.

18 5. If a person applies for and is granted a permit, he or she is
19 entitled to obtain an identification badge for each permitted
20 solicitor:

21 (a) Authorized to engage in solicitation pursuant to that
22 permit; and

23 (b) Who is not ineligible pursuant to section 10 of this act,
24 ↪ upon compliance with the requirements of this section and
25 section 9 of this act.

26 6. Each identification badge must include the name and a
27 photograph of the permitted solicitor, the words "Permitted
28 Solicitor" and the name of the permit holder and the expiration
29 date of the permit.

30 7. The Division shall issue a replacement identification badge
31 to any permitted solicitor who, by affidavit, notifies the Division
32 that his or her identification badge has been lost or stolen and
33 pays the fee for preparing and issuing an identification badge
34 within 5 business days after receiving the affidavit and the fee.

35 **Sec. 12.** The Division shall deny an application for a permit
36 or renewal of the permit if the Division determines that the
37 applicant or permit holder:

38 1. Has made any material misrepresentation or false
39 statement in the application for the permit or for renewal of the
40 permit; or

41 2. Is not eligible pursuant to section 10 of this act.

42 **Sec. 13.** 1. A permit is valid for 2 years after the date of its
43 issuance. Unless his or her name has previously been deleted
44 pursuant to section 11 of this act from the list of permitted
45 solicitors pursuant to the permit, the identification badge of any



1 *permitted solicitor expires concurrently with the expiration of the*
2 *permit.*

3 *2. A permit holder who wishes to renew the permit must*
4 *submit a written application for renewal to the Division, in the*
5 *form prescribed by regulation of the Division, not later than 60*
6 *days before the date the permit expires.*

7 *3. An application for renewal of a permit must be made in the*
8 *same manner and accompanied by the same fees as an application*
9 *made pursuant to section 9 of this act.*

10 **Sec. 14.** *1. In addition to any other requirements of*
11 *sections 9 and 13 of this act, a natural person who applies for a*
12 *permit or the renewal of a permit shall:*

13 *(a) Include the social security number of the applicant in the*
14 *application submitted to the Division.*

15 *(b) Submit to the Division the statement prescribed by the*
16 *Division of Welfare and Supportive Services of the Department of*
17 *Health and Human Services pursuant to NRS 425.520. The*
18 *statement must be completed and signed by the applicant or permit*
19 *holder.*

20 *2. The Division shall include the statement required by*
21 *subsection 1 in:*

22 *(a) The application or any other forms that must be submitted*
23 *for a permit or the renewal of a permit; or*

24 *(b) A separate form prescribed by the Division.*

25 *3. A permit may not be issued or renewed by the Division if*
26 *the applicant or permit holder:*

27 *(a) Fails to submit the statement required by subsection 1; or*

28 *(b) Indicates on the statement submitted pursuant to*
29 *subsection 1 that the applicant or permit holder is subject to a*
30 *court order for the support of a child and is not in compliance*
31 *with the order or a plan approved by the district attorney or other*
32 *public agency enforcing the order for the repayment of the*
33 *amount owed pursuant to the order.*

34 *4. If an applicant or permit holder indicates on the statement*
35 *submitted pursuant to subsection 1 that he or she is subject to a*
36 *court order for the support of a child and is not in compliance*
37 *with the order or a plan approved by the district attorney or other*
38 *public agency enforcing the order for the repayment of the*
39 *amount owed pursuant to the order, the Division shall advise the*
40 *applicant or permit holder to contact the district attorney or other*
41 *public agency enforcing the order to determine the actions that the*
42 *applicant or permit holder may need to take to satisfy the*
43 *arrears.*

44 **Sec. 15.** *1. If the Division receives a copy of a court order*
45 *issued pursuant to NRS 425.540 that provides for the suspension*



1 of all professional, occupational and recreational licenses,
2 certificates and permits issued to a natural person who is a permit
3 holder, the Division shall deem the permit to be suspended at the
4 end of the 30th day after the date on which the court order was
5 issued unless the Division receives a letter issued to the permit
6 holder by the district attorney or other public agency pursuant to
7 NRS 425.550 stating that the permit holder has complied with the
8 subpoena or warrant or has satisfied the arrearage pursuant to
9 NRS 425.560.

10 2. The Division shall reinstate a permit that has been
11 suspended by a district court pursuant to NRS 425.540 if the
12 Division receives a letter issued by the district attorney or other
13 public agency pursuant to NRS 425.550 to the permit holder
14 whose permit was suspended stating that the permit holder has
15 complied with the subpoena or warrant or has satisfied the
16 arrearage pursuant to NRS 425.560.

17 **Sec. 16.** The Division shall maintain a record of each permit
18 and identification badge issued and any violation or alleged
19 violation by the permit holder or permitted solicitor of the
20 provisions of sections 3 to 24, inclusive, of this act.

21 **Sec. 17.** A permitted solicitor shall:

22 1. Conspicuously display his or her identification badge at all
23 times while engaged in door-to-door commercial solicitation.

24 2. Upon the request of a customer, prospective customer or
25 law enforcement officer, exhibit his or her identification badge
26 and a copy of the permit pursuant to which he or she is acting.

27 **Sec. 18.** A person shall not engage in door-to-door
28 commercial solicitation except during the hours of 9 a.m. and 7
29 p.m. Any solicitation of a customer or prospective customer begun
30 during that period must be completed within that period.

31 **Sec. 19.** It is unlawful:

32 1. For a permit holder or permitted solicitor to enter or
33 remain upon any public or private premises if a "No Solicitation"
34 or "No Trespassing" sign is prominently displayed in public view:

35 (a) At or near each entrance to the premises; or

36 (b) If the premises are located in a gated community, on the
37 entrance gate to the community.

38 2. For a person to obtain an invitation to visit a private
39 residence for the purpose of soliciting the purchase or sale of
40 goods, services or any other thing of value by knowingly making a
41 false or deceptive representation or statement.

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

43 **Sec. 21.** 1. After a hearing, the Division may suspend,
44 revoke or refuse to renew a permit if the Division determines that
45 the permit holder has:



1 (a) Made any false or fraudulent statement in applying for the
2 permit or renewal of the permit, including, without limitation, any
3 false or fraudulent statement about the criminal history of the
4 permit holder or a permitted solicitor;

5 (b) Failed to collect and pay to the Department of Taxation, as
6 required by law, any tax imposed on the gross receipts from the
7 sale, storage, use or other consumption of tangible personal
8 property sold by the permit holder or a permitted solicitor;

9 (c) Failed to exercise reasonable care in supervising
10 solicitation conducted by a permitted solicitor to ensure that the
11 solicitation is conducted in accordance with the provisions of
12 sections 3 to 24, inclusive, of this act and other provisions of
13 statute applicable to the solicitation;

14 (d) Violated or condoned a violation of any provision of NRS
15 207.171, 598.092, 598.140 to 598.2801, inclusive, 609.190,
16 609.221, 609.240 to 609.260, inclusive, or sections 3 to 24,
17 inclusive, of this act; or

18 (e) Authorized or condoned solicitation that is otherwise
19 unlawful or solicitation by a permitted solicitor conducted in such
20 a manner as to constitute a menace to the health, safety or general
21 welfare of the public.

22 2. After a hearing, the Division may suspend or revoke the
23 identification badge of a permitted solicitor who has:

24 (a) Violated any applicable provision listed in paragraph (d) of
25 subsection 1; or

26 (b) Otherwise engaged in unlawful solicitation or solicitation
27 conducted in such a manner as to constitute a menace to the
28 health, safety or general welfare of the public.

29 **Sec. 22.** Action taken by the Division to suspend, revoke or
30 refuse to renew a permit or identification badge pursuant to
31 section 21 of this act is a final decision in a contested case for the
32 purposes of chapter 233B of NRS.

33 **Sec. 23.** The Division may adopt such regulations as it deems
34 necessary to carry out the provisions of sections 3 to 24, inclusive,
35 of this act.

36 **Sec. 24.** In addition to any disciplinary action authorized by
37 section 21 of this act, unless a greater penalty is prescribed by
38 specific statute, a person who violates a provision of sections 3 to
39 24, inclusive, of this act is guilty of a misdemeanor.

40 **Sec. 25.** As used in this chapter, unless the context otherwise
41 requires, the words and terms defined in sections 26 and 27 of this
42 act have the meanings ascribed to them in those sections.

43 **Sec. 26.** "Commissioner" means the Commissioner of
44 Consumer Affairs.



1 **Sec. 27. “Division” means the Consumer Affairs Division of**
2 **the Department of Business and Industry.**

3 **Sec. 28.** NRS 599B.005 is hereby amended to read as follows:
4 599B.005 1. The Legislature finds and declares that:

5 (a) The sale of goods or services or the solicitation of donations
6 by telephone has a significant impact upon the economy and well-
7 being of this state and its local communities.

8 (b) Many legitimate solicitors by telephone merit certain
9 protections pursuant to the laws of this state.

10 (c) Certain unscrupulous practices by persons soliciting
11 donations or the sale of goods or services by telephone are contrary
12 to good business practices and have caused consumers to suffer
13 substantial losses because of misrepresentation, the lack of complete
14 information relating to goods, services and the persons initiating or
15 causing the solicitation by telephone, and the lack of delivery of the
16 goods and services purchased.

17 2. It is the intent of the Legislature to:

18 (a) Provide each consumer with information necessary to make
19 an intelligent decision relating to donations or offers of sale;

20 (b) Educate and assist the public to distinguish between honest
21 and dishonest practices of solicitation by telephone;

22 (c) Safeguard the public against deceptive practices and
23 financial hardship;

24 (d) Prohibit representations that tend to be misleading;

25 (e) Ensure, foster and encourage competition and fair dealings
26 among sellers by requiring sellers to disclose certain information
27 adequately; and

28 (f) Protect the integrity of the industry relating to solicitation by
29 telephone.

30 3. As the provisions of ~~†this chapter†~~ **NRS 599B.005 to**
31 **599B.300, inclusive**, are necessary to protect the public welfare, it is
32 also the intent of the Legislature that the provisions of ~~†this chapter†~~
33 **those sections** be liberally construed to effectuate ~~†its†~~ **their**
34 purposes.

35 **Sec. 29.** NRS 599B.010 is hereby amended to read as follows:
36 599B.010 As used in ~~†this chapter,†~~ **NRS 599B.005 to**
37 **599B.300, inclusive**, unless the context otherwise requires:

38 1. “Chance promotion” means any plan in which premiums are
39 distributed by random or chance selection.

40 2. ~~†“Commissioner” means the Commissioner of Consumer~~
41 ~~Affairs.~~

42 ~~—3.†~~ “Consumer” means a person who is solicited by a seller or
43 salesperson.

44 ~~†4. “Division” means the Consumer Affairs Division of the~~
45 ~~Department of Business and Industry.~~



1 ~~5.1~~ 3. "Donation" means a promise, grant or pledge of money,
2 credit, property, financial assistance or other thing of value given in
3 response to a solicitation by telephone, including, but not limited to,
4 a payment or promise to pay in consideration for a performance,
5 event or sale of goods or services. The term does not include
6 volunteer services, government grants or contracts or a payment by
7 members of any organization of membership fees, dues, fines or
8 assessments or for services rendered by the organization to those
9 persons, if:

10 (a) The fees, dues, fines, assessments or services confer a bona
11 fide right, privilege, professional standing, honor or other direct
12 benefit upon the member; and

13 (b) Membership in the organization is not conferred solely in
14 consideration for making a donation in response to a solicitation.

15 ~~16.1~~ 4. "Goods or services" means any property, tangible or
16 intangible, real, personal or mixed, and any other article, commodity
17 or thing of value.

18 ~~17.1~~ 5. "Premium" includes any prize, bonus, award, gift or
19 any other similar inducement or incentive to purchase.

20 ~~18.1~~ 6. "Recovery service" means a business or other practice
21 whereby a person represents or implies that he or she will, for a fee,
22 recover any amount of money that a consumer has provided to a
23 seller or salesperson pursuant to a solicitation governed by the
24 provisions of ~~this chapter.~~

25 ~~9.1~~ *NRS 599B.005 to 599B.300, inclusive.*

26 7. "Salesperson" means any person:

27 (a) Employed or authorized by a seller to sell, or to attempt to
28 sell, goods or services by telephone;

29 (b) Retained by a seller to provide consulting services relating to
30 the management or operation of the seller's business; or

31 (c) Who communicates on behalf of a seller with a consumer:

32 (1) In the course of a solicitation by telephone; or

33 (2) For the purpose of verifying, changing or confirming an
34 order,

35 ↪ except that a person is not a salesperson if his or her only
36 function is to identify a consumer by name only and he or she
37 immediately refers the consumer to a salesperson.

38 ~~10.1~~ 8. Except as otherwise provided in subsection ~~11.1~~ 9,
39 "seller" means any person who, on his or her own behalf, causes or
40 attempts to cause a solicitation by telephone to be made through the
41 use of one or more salespersons or any automated dialing
42 announcing device under any of the following circumstances:

43 (a) The person initiates contact by telephone with a consumer
44 and represents or implies:



1 (1) That a consumer who buys one or more goods or services
2 will receive additional goods or services, whether or not of the same
3 type as purchased, without further cost, except for actual postage or
4 common carrier charges;

5 (2) That a consumer will or has a chance or opportunity to
6 receive a premium;

7 (3) That the items for sale are gold, silver or other precious
8 metals, diamonds, rubies, sapphires or other precious stones, or any
9 interest in oil, gas or mineral fields, wells or exploration sites or any
10 other investment opportunity;

11 (4) That the product offered for sale is information or
12 opinions relating to sporting events;

13 (5) That the product offered for sale is the services of a
14 recovery service; or

15 (6) That the consumer will receive a premium or goods or
16 services if he or she makes a donation;

17 (b) The solicitation by telephone is made by the person in
18 response to inquiries from a consumer generated by a notification or
19 communication sent or delivered to the consumer that represents or
20 implies:

21 (1) That the consumer has been in any manner specially
22 selected to receive the notification or communication or the offer
23 contained in the notification or communication;

24 (2) That the consumer will receive a premium if the recipient
25 calls the person;

26 (3) That if the consumer buys one or more goods or services
27 from the person, the consumer will also receive additional or other
28 goods or services, whether or not the same type as purchased,
29 without further cost or at a cost that the person represents or implies
30 is less than the regular price of the goods or services;

31 (4) That the product offered for sale is the services of a
32 recovery service; or

33 (5) That the consumer will receive a premium or goods or
34 services if he or she makes a donation; or

35 (c) The solicitation by telephone is made by the person in
36 response to inquiries generated by advertisements that represent or
37 imply that the person is offering to sell any:

38 (1) Gold, silver or other metals, including coins, diamonds,
39 rubies, sapphires or other stones, coal or other minerals or any
40 interest in oil, gas or other mineral fields, wells or exploration sites,
41 or any other investment opportunity;

42 (2) Information or opinions relating to sporting events; or

43 (3) Services of a recovery service.

44 **9.** "Seller" does not include:



- 1 (a) A person licensed pursuant to chapter 90 of NRS when
2 soliciting offers, sales or purchases within the scope of his or her
3 license.
- 4 (b) A person licensed pursuant to chapter 119A, 119B, 624, 645
5 or 696A of NRS when soliciting sales within the scope of his or her
6 license.
- 7 (c) A person licensed as an insurance broker, agent or solicitor
8 when soliciting sales within the scope of his or her license.
- 9 (d) Any solicitation of sales made by the publisher of a
10 newspaper or magazine or by an agent of the publisher pursuant to a
11 written agreement between the agent and publisher.
- 12 (e) A broadcaster soliciting sales who is licensed by any state or
13 federal authority, if the solicitation is within the scope of the
14 broadcaster's license.
- 15 (f) A person who solicits a donation from a consumer when:
16 (1) The person represents or implies that the consumer will
17 receive a premium or goods or services with an aggregated fair
18 market value of 2 percent of the donation or \$50, whichever is less;
19 or
20 (2) The consumer provides a donation of \$50 or less in
21 response to the solicitation.
- 22 (g) A charitable organization which is registered or approved to
23 conduct a lottery pursuant to chapter 462 of NRS.
- 24 (h) A public utility or motor carrier which is regulated pursuant
25 to chapter 704 or 706 of NRS, or by an affiliate of such a utility or
26 motor carrier, if the solicitation is within the scope of its certificate
27 or license.
- 28 (i) A utility which is regulated pursuant to chapter 710 of NRS,
29 or by an affiliate of such a utility.
- 30 (j) A person soliciting the sale of books, recordings,
31 videocassettes, software for computer systems or similar items
32 through:
33 (1) An organization whose method of sales is governed by
34 the provisions of Part 425 of Title 16 of the Code of Federal
35 Regulations relating to the use of negative option plans by sellers in
36 commerce;
37 (2) The use of continuity plans, subscription arrangements,
38 arrangements for standing orders, supplements, and series
39 arrangements pursuant to which the person periodically ships
40 merchandise to a consumer who has consented in advance to receive
41 the merchandise on a periodic basis and has the opportunity to
42 review the merchandise for at least 10 days and return it for a full
43 refund within 30 days after it is received; or
44 (3) An arrangement pursuant to which the person ships
45 merchandise to a consumer who has consented in advance to receive



1 the merchandise and has the opportunity to review the merchandise
2 for at least 10 days and return it for a full refund within 30 days after
3 it is received.

4 (k) A person who solicits sales by periodically publishing and
5 delivering a catalog to consumers if the catalog:

6 (1) Contains a written description or illustration of each item
7 offered for sale and the price of each item;

8 (2) Includes the business address of the person;

9 (3) Includes at least 24 pages of written material and
10 illustrations;

11 (4) Is distributed in more than one state; and

12 (5) Has an annual circulation by mailing of not less than
13 250,000.

14 (l) A person soliciting without the intent to complete and who
15 does not complete, the sales transaction by telephone but completes
16 the sales transaction at a later face-to-face meeting between the
17 solicitor and the consumer, if the person, after soliciting a sale by
18 telephone, does not cause another person to collect the payment
19 from or deliver any goods or services purchased to the consumer.

20 (m) Any commercial bank, bank holding company, subsidiary or
21 affiliate of a bank holding company, trust company, savings and
22 loan association, credit union, industrial loan company, personal
23 property broker, consumer finance lender, commercial finance
24 lender, or insurer subject to regulation by an official or agency of
25 this State or of the United States, if the solicitation is within the
26 scope of the certificate or license held by the entity.

27 (n) A person holding a certificate of authority issued pursuant to
28 chapter 452 of NRS when soliciting sales within the scope of the
29 certificate.

30 (o) A person licensed pursuant to chapter 689 of NRS when
31 soliciting sales within the scope of his or her license.

32 (p) A person soliciting the sale of services provided by a video
33 service provider subject to regulation pursuant to chapter 711 of
34 NRS.

35 (q) A person soliciting the sale of agricultural products, if the
36 solicitation is not intended to and does not result in a sale of more
37 than \$100 that is to be delivered to one address. As used in this
38 paragraph, "agricultural products" has the meaning ascribed to it in
39 NRS 587.290.

40 (r) A person who has been operating, for at least 2 years, a retail
41 business establishment under the same name as that used in
42 connection with the solicitation of sales by telephone if, on a
43 continuing basis:



1 (1) Goods are displayed and offered for sale or services are
2 offered for sale and provided at the person's business establishment;
3 and

4 (2) At least 50 percent of the person's business involves the
5 buyer obtaining such goods or services at the person's business
6 establishment.

7 (s) A person soliciting only the sale of telephone answering
8 services to be provided by the person or his or her employer.

9 (t) A person soliciting a transaction regulated by the Commodity
10 Futures Trading Commission, if:

11 (1) The person is registered with or temporarily licensed by
12 the Commission to conduct that activity pursuant to the Commodity
13 Exchange Act, 7 U.S.C. §§ 1 et seq.; and

14 (2) The registration or license has not expired or been
15 suspended or revoked.

16 (u) A person who contracts for the maintenance or repair of
17 goods previously purchased from the person:

18 (1) Making the solicitation; or

19 (2) On whose behalf the solicitation is made.

20 (v) A person to whom a license to operate an information
21 service or a nonrestricted gaming license, which is current and valid,
22 has been issued pursuant to chapter 463 of NRS when soliciting
23 sales within the scope of his or her license.

24 (w) A person who solicits a previous customer of the business
25 on whose behalf the call is made if the person making the call:

26 (1) Does not offer the customer any premium in connection
27 with the sale;

28 (2) Is not selling an investment or an opportunity for an
29 investment that is not registered with any state or federal authority;
30 and

31 (3) Is not regularly engaged in telephone sales.

32 (x) A person who solicits the sale of livestock.

33 (y) An issuer which has a class of securities that is listed on the
34 New York Stock Exchange, the American Stock Exchange or the
35 National Market System of the National Association of Securities
36 Dealers Automated Quotation System.

37 (z) A subsidiary of an issuer that qualifies for exemption
38 pursuant to paragraph (y) if at least 60 percent of the voting power
39 of the shares of the subsidiary is owned by the issuer.

40 **Sec. 30.** NRS 599B.015 is hereby amended to read as follows:

41 599B.015 1. The Attorney General shall provide opinions for
42 the Division on all questions of law relating to the construction,
43 interpretation or administration of ~~this chapter.~~ *NRS 599B.005 to*
44 *599B.300, inclusive.*



1 2. The Commissioner shall determine whether a person is
2 required to register pursuant to the provisions of ~~{this chapter.}~~ *NRS*
3 *599B.005 to 599B.300, inclusive*. In making that determination, the
4 Commissioner shall consider the definitions, intent, findings and
5 declarations set forth in ~~{this chapter.}~~ *NRS 599B.005 to 599B.300,*
6 *inclusive*.

7 **Sec. 31.** NRS 599B.025 is hereby amended to read as follows:

8 599B.025 1. The Attorney General may adopt regulations
9 establishing standards of conduct for registrants and any other
10 regulations necessary to exercise the powers and carry out the duties
11 of the Attorney General as set forth in ~~{this chapter.}~~ *NRS 599B.005*
12 *to 599B.300, inclusive*.

13 2. The Commissioner and the Attorney General shall jointly
14 adopt rules of practice establishing a procedure for processing
15 complaints received concerning sellers and salespersons, whether or
16 not the sellers and salespersons are registered pursuant to ~~{this~~
17 ~~chapter.}~~ *NRS 599B.005 to 599B.300, inclusive*. The rules of
18 practice:

19 (a) Must provide for the sharing of information and for the
20 initial review of complaints by the Attorney General before
21 mediation by the Commissioner; and

22 (b) May provide procedures for mediation by the Commissioner
23 after initial review by the Attorney General.

24 3. The Commissioner may adopt rules of practice necessary to
25 administer and carry out the provisions of ~~{this chapter.}~~ *NRS*
26 *599B.005 to 599B.300, inclusive*, pertaining to the registration of
27 sellers and salespersons. The rules of practice must not restrict the
28 powers and duties of the Attorney General as set forth in ~~{this~~
29 ~~chapter.}~~ *those sections*.

30 **Sec. 32.** NRS 599B.030 is hereby amended to read as follows:

31 599B.030 The remedies, duties and prohibitions of ~~{this~~
32 ~~chapter.}~~ *NRS 599B.005 to 599B.300, inclusive*, are not exclusive
33 and are in addition to any other remedies provided by law.

34 **Sec. 33.** NRS 599B.080 is hereby amended to read as follows:

35 599B.080 It is unlawful for any person to do business as a
36 seller or salesperson in this State without being registered with the
37 Division pursuant to the provisions of ~~{this chapter.}~~ *NRS 599B.005*
38 *to 599B.300, inclusive*. For the purposes of this section, a person
39 does business as a seller or salesperson in this State if he or she
40 solicits or causes to be solicited a sale of goods or services or a
41 donation from a location in this State or solicits persons in this State
42 from a location outside this State.

43 **Sec. 34.** NRS 599B.100 is hereby amended to read as follows:

44 599B.100 1. An application filed pursuant to NRS 599B.090
45 must be accompanied by:



1 (a) A bond executed by a corporate surety approved by the
2 Commissioner and licensed to do business in this state;

3 (b) An irrevocable letter of credit issued for the benefit of the
4 applicant by a bank whose deposits are insured by an agency of the
5 Federal Government; or

6 (c) A certificate of deposit in a financial institution insured by
7 an agency of the Federal Government or by a private insurer
8 approved pursuant to NRS 678.755. The certificate of deposit may
9 be withdrawn only on the order of the Commissioner, except that
10 the interest may accrue to the applicant.

11 2. The amount of the bond, letter of credit or certificate of
12 deposit must be \$50,000, and the bond, letter of credit or certificate
13 of deposit must be conditioned upon compliance by the applicant
14 with the provisions of ~~this chapter~~ *NRS 599B.005 to 599B.300,*
15 *inclusive.*

16 3. The amount of the security required to be filed by the seller
17 may be increased to not more than \$250,000 as part of an assurance
18 of discontinuance accepted by the Attorney General pursuant to
19 NRS 599B.235.

20 4. If, after a registration certificate is issued, the amount of the
21 bond, letter of credit or certificate of deposit which secures the
22 registration falls below the amount that is required by subsection 2
23 or the amount determined by the Commissioner pursuant to
24 subsection 3, the seller shall be deemed not to be registered pursuant
25 to ~~this chapter~~ *NRS 599B.005 to 599B.300, inclusive,* for the
26 purposes of NRS 599B.080.

27 5. The term of any bond, letter of credit or certificate of
28 deposit, or any renewal thereof, must not be less than 1 year.

29 6. The Commissioner may reject any bond, letter of credit or
30 certificate of deposit which fails to conform to the requirements of
31 this section.

32 7. A seller may change the form of the security. If a seller
33 changes the form of the security, the Commissioner may retain for
34 not more than 1 year all or a portion of the security previously filed
35 by the seller as security for claims arising at the time the security
36 was in effect.

37 8. If no claims have been filed against the bond, letter of credit
38 or certificate of deposit within 6 months after the registrant ceases to
39 operate or his or her registration expires, whichever occurs later, the
40 Commissioner shall release the bond, letter of credit or certificate of
41 deposit to the registrant and shall not audit any claims filed
42 thereafter by consumers. If one or more claims have been filed
43 against the bond, letter of credit or certificate of deposit within 6
44 months after the registrant ceases to operate or his or her registration
45 expires, whichever occurs later, the proceeds must not be released to



1 the registrant or distributed to any consumer earlier than 1 year after
2 the registrant ceases to operate or his or her registration expires,
3 whichever occurs later. The Division shall not audit any claims
4 which are filed pursuant to NRS 599B.105 more than 1 year after
5 the registrant ceases to operate or his or her registration expires,
6 whichever occurs later. For the purposes of this subsection, the
7 Commissioner shall determine the date on which a registrant ceases
8 to operate.

9 **Sec. 35.** NRS 599B.140 is hereby amended to read as follows:

10 599B.140 1. Each person registered pursuant to the
11 provisions of ~~this chapter~~ *NRS 599B.005 to 599B.300, inclusive*,
12 must renew his or her registration annually by:

13 (a) Paying the fee for registration;

14 (b) Submitting to the Division the application required by NRS
15 599B.090 or 599B.120, whichever applies; and

16 (c) If the person is a seller, submitting to the Division:

17 (1) A copy of the work card obtained by:

18 (I) The seller pursuant to subsection 1 of NRS 599B.115;

19 and

20 (II) Each principal officer, director, trustee, shareholder,
21 owner, partner and employee of the seller, and each salesperson
22 associated with the seller who is not an employee of the seller,
23 pursuant to subsection 2 of NRS 599B.115; and

24 (2) If applicable, a statement listing each person who,
25 pursuant to subsection 5 of NRS 599B.115, is not required to obtain
26 a work card.

27 2. Registration expires on the anniversary of the issuance of the
28 registration. A registrant who wishes to renew his or her registration
29 must do so on or before the date his or her registration expires.

30 3. For the purposes of NRS 599B.080, a person who fails to
31 renew his or her registration within the time required by this section
32 is not registered pursuant to ~~this chapter~~ *NRS 599B.005 to*
33 *599B.300, inclusive*.

34 4. Except as otherwise provided in NRS 599B.160, if any
35 material change in the information submitted for registration occurs
36 before the date for renewal, a registrant shall submit that
37 information to the Division within 10 days after the registrant
38 obtains knowledge of the change.

39 **Sec. 36.** NRS 599B.150 is hereby amended to read as follows:

40 599B.150 1. No salesperson may be associated with or
41 employed by more than one seller at the same time.

42 2. A seller shall cooperate fully with the Commissioner in any
43 investigation made by the Commissioner concerning an alleged
44 violation of the provisions of ~~this chapter~~ *NRS 599B.005 to*
45 *599B.300, inclusive*, by a salesperson.



1 **Sec. 37.** NRS 599B.190 is hereby amended to read as follows:

2 599B.190 1. Except as otherwise provided in subsection 3, a
3 person who purchases goods or services or makes a donation
4 pursuant to a solicitation governed by ~~{this chapter}~~ **NRS 599B.005**
5 **to 599B.300, inclusive**, must be given a refund or replacement, at
6 his or her option, if:

7 (a) The goods or services are defective, are not as represented or
8 if any item described pursuant to NRS 599B.180 is not received as
9 promised; and

10 (b) He or she returns the unused goods, if any, or makes a
11 written request for the refund or replacement within 30 days after he
12 or she receives:

13 (1) The goods or services; or

14 (2) Any item described pursuant to NRS 599B.180,
15 ↪ whichever is received later. A return or request is timely if
16 shipment is made or the request is postmarked, properly addressed
17 and postage prepaid, within the time provided by this paragraph.

18 2. A registrant who receives a written request for a refund or
19 replacement shall not require prior authorization for a return of
20 goods and shall give a refund or replacement within 14 days after
21 receipt of the request.

22 3. If a consumer of goods returns only a portion of the goods,
23 the refund or replacement required by subsection 1 may be prorated
24 accordingly.

25 4. The refund or replacement required by subsection 1 must be
26 given by the seller, regardless of whether payment for the goods or
27 services is made to the seller or some other person.

28 5. Except for any proration permitted by subsection 3, a
29 registrant shall not impose any charge in connection with a return of
30 goods or a request for a refund or replacement.

31 6. If a registrant receives payment by credit card, he or she may
32 issue a refund in the form of a credit to the credit card account of the
33 consumer in lieu of a cash refund.

34 7. Within 3 days after any purchase of goods or services or
35 upon delivery of the goods or services, whichever is later, or within
36 3 days after receiving a donation, the seller shall provide the
37 consumer with a written summary of the provisions of this section.
38 The summary must:

39 (a) Be made in a form prescribed by the Division.

40 (b) Include the address to which returned goods or a request for
41 refund may be sent.

42 (c) Be accompanied by a statement containing the information
43 required by paragraph (e) of subsection 1 of NRS 599B.180, if the
44 provisions of that section apply.



1 (d) If the provisions of paragraph (c) of subsection 2 of NRS
2 599B.180 apply, be accompanied by a statement concerning the
3 number of persons who have, during the 12 months preceding the
4 solicitation or any portion thereof in which the seller has done
5 business, received the item having the greatest value and the item
6 with the smallest odds of being received.

7 ↪ A summary is timely if it is postmarked, properly addressed and
8 postage prepaid, within the time provided by this subsection.

9 **Sec. 38.** NRS 599B.200 is hereby amended to read as follows:

10 599B.200 A salesperson or seller shall not disclose the name or
11 address of any person who purchases goods or services pursuant to a
12 solicitation governed by ~~{this chapter.}~~ *NRS 599B.005 to 599B.300,*
13 *inclusive.* Nothing in this section prohibits the disclosure of this
14 information to:

- 15 1. Any person employed by or associated with the seller;
- 16 2. The Commissioner or any employee of the Division; or
- 17 3. Any law enforcement officer or agency that requires the
18 information for investigative purposes.

19 **Sec. 39.** NRS 599B.210 is hereby amended to read as follows:

20 599B.210 1. Every registrant, other than a registrant
21 incorporated in this state, shall file with the Secretary of State an
22 irrevocable consent appointing the Secretary of State as his or her
23 agent to receive service of any lawful process in any action or
24 proceeding against him or her arising pursuant to ~~{this chapter.}~~
25 *NRS 599B.005 to 599B.300, inclusive.* Any lawful process against
26 the registrant served upon the Secretary of State as provided in
27 subsection 2 has the same force and validity as if served upon the
28 registrant personally.

29 2. Service of process authorized by subsection 1 must be made
30 by filing with the Secretary of State:

31 (a) Two copies of the process. The copies must include a
32 specific citation to the provisions of this section. The Secretary of
33 State may refuse to accept such service if the proper citation is not
34 included in each copy.

35 (b) A fee of \$10.

36 ↪ The Secretary of State shall forthwith forward one copy of the
37 process by registered or certified mail prepaid to the registrant, or in
38 the case of a registrant organized under the laws of a foreign
39 government, to the United States manager or last appointed United
40 States general agent of the registrant, giving the day and the hour of
41 the service.

42 3. Service of process is not complete until the copy thereof has
43 been mailed and received by the registrant, and the receipt of the
44 addressee is prima facie evidence of the completion of the service.



1 4. If service of summons is made upon the Secretary of State in
2 accordance with the provisions of this section, the time within which
3 the registrant is required to appear is extended 10 days.

4 **Sec. 40.** NRS 599B.213 is hereby amended to read as follows:

5 599B.213 1. The Attorney General has primary jurisdiction
6 to investigate and prosecute violations of ~~{this chapter}~~ *NRS*
7 *599B.005 to 599B.300, inclusive*, and any fraud involving
8 solicitation by telephone.

9 2. When acting pursuant to this section, the Attorney General
10 may commence his or her investigation and file a criminal action
11 without leave of court, and he or she has exclusive charge of the
12 conduct of the prosecution.

13 **Sec. 41.** NRS 599B.215 is hereby amended to read as follows:

14 599B.215 1. The Attorney General may conduct an
15 investigation to determine whether a person, either directly or
16 indirectly, has violated, is violating or is about to violate any of the
17 provisions of ~~{this chapter}~~ *NRS 599B.005 to 599B.300, inclusive*,
18 or any regulation adopted pursuant thereto.

19 2. If the Attorney General has reason to believe that any
20 person, either directly or indirectly, has violated, is violating or is
21 about to violate any of the provisions of ~~{this chapter}~~ *NRS*
22 *599B.005 to 599B.300, inclusive*, or any regulation adopted
23 pursuant thereto, the Attorney General may:

24 (a) Issue a subpoena to require the testimony of any person;

25 (b) Issue a subpoena to require the production of any
26 documents; or

27 (c) Administer an oath or affirmation to any person providing
28 testimony pursuant to a subpoena.

29 3. A subpoena issued pursuant to subsection 2 must be served
30 in the manner provided in the Nevada Rules of Civil Procedure.

31 **Sec. 42.** NRS 599B.235 is hereby amended to read as follows:

32 599B.235 1. The Attorney General may accept an assurance
33 of discontinuance of any violation of the provisions of ~~{this chapter}~~
34 *NRS 599B.005 to 599B.300, inclusive*, or any regulation adopted
35 pursuant thereto. The assurance may include a stipulation for the
36 payment of money to this state by the alleged violator, including but
37 not limited to, payment for the costs of investigation, for the costs of
38 instituting the action or proceeding and for the restitution of any
39 money or property acquired as a result of the violation.

40 2. Proof by a preponderance of evidence of a violation of an
41 assurance given pursuant to subsection 1 constitutes prima facie
42 evidence of a violation of the applicable statutes or regulations for
43 the purpose of any civil action or proceeding brought thereafter by
44 the Attorney General, whether the action or proceeding is a new



1 action or a subsequent motion or petition in a pending action or
2 proceeding.

3 **Sec. 43.** NRS 599B.245 is hereby amended to read as follows:

4 599B.245 1. If the Attorney General has reason to believe
5 that a person, either directly or indirectly, has violated, is violating
6 or is about to violate any of the provisions of ~~this chapter~~ **NRS**
7 **599B.005 to 599B.300, inclusive**, or any regulation adopted
8 pursuant thereto, he or she may institute an appropriate legal
9 proceeding against the person. The district court, upon a showing
10 that the person, either directly or indirectly, has violated, is violating
11 or is about to violate any of the provisions of ~~this chapter~~ **NRS**
12 **599B.005 to 599B.300, inclusive**, or any regulation adopted
13 pursuant thereto, may grant the following remedies, as appropriate:

14 (a) Issue a temporary or permanent injunction;

15 (b) Impose a civil penalty not to exceed \$5,000 for each
16 violation;

17 (c) Issue a declaratory judgment;

18 (d) Order restitution for consumers;

19 (e) Provide for the appointment of a receiver;

20 (f) Order the payment of attorney's fees and costs; and

21 (g) Order such other relief as the court deems just.

22 2. Any person who violates a court order or injunction issued
23 pursuant to subsection 1 shall, upon a complaint brought by the
24 Attorney General, pay a civil penalty of not more than \$50,000 for
25 each violation.

26 **Sec. 44.** NRS 599B.255 is hereby amended to read as follows:

27 599B.255 1. Except as otherwise provided in NRS 599B.213,
28 the Attorney General or the district attorney of any county in this
29 state may prosecute a person who willfully violates, either directly
30 or indirectly, the provisions of ~~this chapter~~ **NRS 599B.005 to**
31 **599B.300, inclusive**. Except as otherwise provided in subsection 3,
32 such a person:

33 (a) For the first offense within 10 years, is guilty of a
34 misdemeanor.

35 (b) For the second offense within 10 years, is guilty of a gross
36 misdemeanor.

37 (c) For the third and all subsequent offenses within 10 years, is
38 guilty of a category D felony and shall be punished as provided in
39 NRS 193.130, or by a fine of not more than \$50,000, or by both fine
40 and the punishment provided in NRS 193.130.

41 2. Any offense which occurs within 10 years immediately
42 preceding the date of the principal offense or after the principal
43 offense constitutes a prior offense for the purposes of subsection 1
44 when evidenced by a conviction, without regard to the sequence of
45 the offenses and convictions.



1 3. A person who violates any provision of NRS 599B.080 is
2 guilty of a category D felony and shall be punished as provided in
3 NRS 193.130, or by a fine of not more than \$50,000, or by both fine
4 and the punishment provided in NRS 193.130.

5 4. Property or proceeds attributable to any violation pursuant to
6 the provisions of this section are subject to forfeiture in the manner
7 provided by NRS 179.1156 to 179.121, inclusive.

8 **Sec. 45.** NRS 599B.260 is hereby amended to read as follows:

9 599B.260 1. Except as otherwise provided in subsection 2,
10 all fees, civil penalties and any other money collected pursuant to
11 ~~{this chapter}~~ *NRS 599B.005 to 599B.300, inclusive*, in an action
12 brought by the Attorney General must be deposited in the State
13 General Fund and may only be used to defray the costs of:

14 (a) Administering and enforcing the provisions of ~~{this chapter}~~
15 *NRS 599B.005 to 599B.300, inclusive*.

16 (b) Enforcing the provisions of chapter 598 of NRS as they
17 relate to the conduct of sellers and salespersons, whether or not the
18 sellers and salespersons are registered pursuant to ~~{this chapter}~~
19 *NRS 599B.005 to 599B.300, inclusive*.

20 2. The provisions of this section do not apply to:

21 (a) Criminal fines imposed pursuant to the provisions of ~~{this~~
22 ~~chapter}~~ *NRS 599B.005 to 599B.300, inclusive*; or

23 (b) Restitution ordered in an action brought by the Attorney
24 General pursuant to the provisions of ~~{this chapter}~~ *NRS 599B.005*
25 *to 599B.300, inclusive*. Money collected for restitution ordered in
26 such an action must be deposited by the Attorney General and
27 credited to the appropriate account of the Division or the Attorney
28 General for distribution to the person for whom the restitution was
29 ordered.

30 **Sec. 46.** NRS 228.380 is hereby amended to read as follows:

31 228.380 1. Except as otherwise provided in this section, the
32 Consumer's Advocate may exercise the power of the Attorney
33 General in areas of consumer protection, including, but not limited to
34 enforcement of chapters 90, 597, 598, 598A, 598B, 598C ~~†~~
35 ~~599B†~~ *of NRS, NRS 599B.005 to 599B.300, inclusive*, and *chapter*
36 *711* of NRS.

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

39 (a) Chapter 90, 597, 598, 598A, 598B ~~††~~ *or* 598C ~~{or 599B}~~ *of*
40 *NRS or NRS 599B.005 to 599B.300, inclusive*, for any transaction
41 or activity that involves a proceeding before the Public Utilities
42 Commission of Nevada if the Consumer's Advocate is participating
43 in that proceeding as a real party in interest on behalf of the
44 customers or a class of customers of utilities; or

45 (b) Chapter 711 of NRS.



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

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

8 **Sec. 47.** 1. This act becomes effective on July 1, 2014.

9 2. Sections 14 and 15 of this act expire by limitation on the
10 date on which the provisions of 42 U.S.C. § 666 requiring each state
11 to establish procedures under which the state has authority to
12 withhold or suspend, or to restrict the use of professional,
13 occupational and recreational licenses of persons who:

14 (a) Have failed to comply with a subpoena or warrant relating to
15 a proceeding to determine the paternity of a child or to establish or
16 enforce an obligation for the support of a child; or

17 (b) Are in arrears for the payment for the support of one or more
18 children,

19 ➔ are repealed by the Congress of the United States.

