

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 25, 2013

Assembly called to order at 11:30 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson and Pierce, who were excused.

Prayer by Assemblywoman Irene Bustamante Adams.

Dear Heavenly Creator,

We come before You as vessels, thanking You and praising You for our state and our great nation. We thank You for the plan You gave to our forefathers by which to govern our nation and for the division of powers so that our destiny does not rest in the hands of one person.

In praying for those in authority, we therefore lift up the Assembly members and our Senators to you. We pray that by Your Holy Power, our legislative bodies would make laws that are just.

Father, I ask You to give them wisdom to make decisions that would strengthen and prosper Nevada. I desire that they would make right decisions concerning the politics, the social welfare, and the economics of our state.

I pray that they will be motivated by Your Hand and not their own personal concerns.

I also lift up our Assemblywoman in District 3. We pray that You would comfort her in her time of need and restore her health.

It is in Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 461, 464, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 256, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 74, 106, 186, 213, 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 464, 480; Senate Bill No. 303, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 74, 106, 186, 213, 242, 256, and 370, just reported out of committee, be placed on the General File.

Motion carried.

Assembly Concurrent Resolution No. 7.

Assemblyman Thompson moved the adoption of the resolution.

Remarks by Assemblyman Thompson.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 798.

AN ACT relating to the tax on special fuel; authorizing the Department of Motor Vehicles to establish by regulation and collect a fee from certain licensed special fuel users for the issuance of the identifying device required by the International Fuel Tax Agreement; **revising provisions relating to the rate of interest to be paid by a special fuel user who fails timely to file a tax return or pay any excise tax;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) Under the Agreement, the state in which such vehicles are based for the purposes of vehicle registration is required annually to issue certain decals for display on each such vehicle. While the vehicle is being operated in Nevada, a licensed special fuel user is required to

display the decals, termed an “identifying device” by the Nevada statute, on the exterior of the vehicle. (NRS 366.265)

~~{This}~~ **Section 1 of this** bill authorizes the Department to establish by regulation a fee for the issuance of such an identifying device, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user whose vehicles are based in Nevada, this bill requires the Department to charge and collect the fee from the special fuel user.

Section 1.5 of this bill revises the rate of interest to be paid by a special fuel user who fails to file a tax return or pay any excise tax by the date due from 1 percent per month to the rate established by the Department in accordance with the provisions of the International Fuel Tax Agreement.

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

Section 1. NRS 366.265 is hereby amended to read as follows:

366.265 **1.** A special fuel user who is required to hold a special fuel user’s license pursuant to the provisions of this chapter shall:

~~{1}~~ **(a)** If the special fuel user uses special fuel in a motor vehicle that is operated or intended to operate interstate:

~~{a}~~ **(1)** Obtain an identifying device issued pursuant to a cooperative agreement entered into pursuant to NRS 366.175; and

~~{b}~~ **(2)** Conspicuously display that identifying device on the exterior of the motor vehicle in such location as is required pursuant to the cooperative agreement.

~~{2}~~ **(b)** At any time the special fuel user is using special fuel in this State, ensure that his or her license, or a reproduction of the license that is authorized by the Department, is located in the motor vehicle.

2. *The Department may establish by regulation a fee for the issuance of the identifying device described in subsection 1, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user, it shall charge and collect the fee from the special fuel user.*

Sec. 1.5. **NRS 366.395 is hereby amended to read as follows:**

366.395 **1.** Any special fuel user who fails to file a tax return or pay any excise tax by the date due shall pay, in addition to any tax that may be due, a delinquent filing fee of \$50 and a penalty of 10 percent of the amount of tax owed, plus interest on the amount of any tax that may be due at ~~the~~ **a rate [of 1 percent per month or fraction thereof,] established by the Department in accordance with the provisions of a cooperative agreement**

entered into pursuant to NRS 366.175, from the date the tax was due until the date of payment.

2. A tax return, statement or payment is considered delinquent if it is not received by the Department on or before the date the tax return, statement or payment is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 799.

AN ACT relating to the Tahoe Regional Planning Agency; requiring the Agency ~~annually~~ periodically to submit certain financial information to the ~~Governor and the Director of the Legislative Counsel Bureau;~~ Executive and Legislative Departments of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~This~~ Section 1 of this bill requires the Tahoe Regional Planning Agency annually to provide the Governor and the Director of the Legislative Counsel Bureau with a copy of the Agency's most recent independent audit report and certain information about the Agency's expenditures and its progress in achieving certain performance measures and benchmarks. Sections 2 and 3 of this bill require the Agency to submit biennially its proposed budget to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

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

Section 1. NRS 277.220 is hereby amended to read as follows:

277.220 *1.* The Account for the Tahoe Regional Planning Agency is hereby established in the State General Fund and consists of any money provided by direct legislative appropriation. Money in this Account must be expended for the support of, or paid over directly to, the Tahoe Regional

Planning Agency in whatever amount and manner is directed by each appropriation or provided by law.

2. On or before January 31 of each year, the Tahoe Regional Planning Agency shall submit to the Governor and the Director of the Legislative Counsel Bureau:

(a) A copy of the report of the independent audit most recently prepared for the Tahoe Regional Planning Agency; and

(b) A written report detailing:

(1) The nature and purpose of the expenditures made by the Tahoe Regional Planning Agency during the immediately preceding calendar year from money appropriated to it by the Legislature; and

(2) The progress of the Tahoe Regional Planning Agency in achieving the performance measures and benchmarks included in its current biennial budget.

3. The Director of the Legislative Counsel Bureau shall cause copies of the materials submitted pursuant to subsection 2 to be transmitted to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System created by NRS 218E.555 and:

(a) In odd-numbered years, the Legislature.

(b) In even-numbered years, the Interim Finance Committee.

Sec. 2. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in ~~subsection~~ subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

- (1) A statement specifying the duration of the privatization contracts;
- (2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and
- (3) An analysis of each of the privatization contracts, which includes, without limitation:

- (I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

- (II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

- (d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a

proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. **On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:**

(a) The Chief for his or her information in preparing the proposed executive budget.

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

~~§ 9.~~ 9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

- (a) Substantially similar to the services performed by the public employees of the department, institution or agency; and
- (b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 3. NRS 353.246 is hereby amended to read as follows:

353.246 1. Except as otherwise provided in subsection 2 of this section and ~~subsection~~ subsections 6 and 7 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System, ~~and~~ the Judicial Department of the State Government ~~and~~ and the Tahoe Regional Planning Agency.

2. The Legislative Department, the Public Employees' Retirement System, ~~and~~ the Judicial Department of the State Government and the Tahoe Regional Planning Agency shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

~~Sec. 2.~~ **Sec. 4.** This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 74.

Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Madam Speaker presiding.

Quorum present.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 802.

AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; ~~establishing fees;~~ providing civil and criminal penalties; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State from engaging in the practice of law. (NRS 7.285) However, so long as he or she does not engage in the practice of law, there is currently no statutory provision governing a person who provides assistance in a legal matter, for compensation, to another person who is acting without the assistance of an attorney. This bill generally provides that any person engaged in the business of providing such assistance (a "document preparation service") must register with the Secretary of State and comply with various additional requirements set forth in this bill.

Section 4 of this bill defines a "document preparation service" as any person who, for compensation and at the direction of a client, provides

assistance to the client in a legal matter, including, without limitation, preparing or completing a pleading or other document for the client or securing supporting documents. **Section 4** excludes from this definition, among others: (1) an attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment; (2) a governmental entity or an employee of such an entity; (3) a nonprofit, tax-exempt organization which provides legal services to persons free of charge; (4) certain legal aid offices and lawyer referral services; (5) a person who provides certain services regulated by federal law; (6) a corporation or other entity representing or acting for itself through an officer or employee, or any such officer or employee; (7) a commercial wedding chapel; ~~and~~ (8) a person who provides legal forms or computer programs that enable another person to create legal documents. ~~It~~ **and (9) a commercial registered agent.**

Section 5 of this bill broadly defines “legal matter” to mean the preparation of any will or trust, any immigration or citizenship proceeding, or any other proceeding, filing or action affecting the legal rights, duties, obligations or liabilities of a person.

Sections 7 and 8 of this bill provide that any person wishing to engage in the business of a document preparation service must register with the Secretary of State and renew that registration annually. **Section 7** establishes certain qualifications for registration. ~~It~~ **and** provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct. ~~It~~ **and** requires that an applicant for registration undergo a check of his or her criminal history.]

Section 9 of this bill requires a document preparation service to file and maintain with the Secretary of State a cash bond or surety bond, to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or providing payment to the Secretary of State for any civil penalty or award of attorney’s fees or costs made against the document preparation service.

Sections 12-15 of this bill impose various requirements relating to advertising and the establishment of the relationship between a document preparation service and a client. **Section 13.5** requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the registrant’s place of business a copy of any state and local business license issued to the registrant or the registrant’s employer. **Section 15** provides that: (1) there must be a written contract between the client and the document

preparation service; and (2) the contract must contain certain terms and disclosures.

Sections 16-20 of this bill set forth various required and prohibited practices applicable to a document preparation service. **Section 17** provides for the return to the client of any original documents provided by the client. **Section 18** requires the release of a client's file to any law enforcement agency on demand, with the authorization of the client. **Section 19** imposes certain requirements relating to payments made by a client for services rendered by a document preparation service.

Section 21 of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a document preparation service.

Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of the bill. If a violation is found, the Secretary of State may: (1) issue a cease-and-desist order; (2) initiate disciplinary proceedings; (3) refer the matter to the Attorney General or a district attorney for the commencement of a civil action or criminal prosecution; or (4) take any combination of these actions. Pursuant to **section 25** of this bill, a willful violation of any of the provisions of this bill, or of a regulation or order of the Secretary of State, is a misdemeanor except that a second or subsequent offense occurring within 5 years is a gross misdemeanor. In addition, **section 26** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of a violation.

Section 28 of this bill makes an appropriation to the Office of the Secretary of State for certain purposes relating to carrying out the provisions of this bill.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

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

Sec. 3. *“Client” means a person who:*

1. Represents or otherwise acts for himself or herself in a legal matter without the services of an attorney authorized to practice law in this State; and

2. *Receives the services of a document preparation service in that legal matter or enters into a contract with a document preparation service to receive such services.*

Sec. 4. 1. *“Document preparation service” means a person who:*

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(b) Holds himself or herself out as a person who provides such services.

2. *The term does not include:*

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization which qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) A person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer

as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent.

3. As used in this section ~~f, "commercial"~~ :

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. "Legal matter" means:

1. The preparation of any will or trust;

2. Any proceeding, filing or action affecting the immigration or citizenship status of a person and arising under:

(a) Immigration and naturalization law;

(b) An executive order or presidential proclamation; or

(c) An action of the United States Citizenship and Immigration Services of the Department of Homeland Security, the United States Department of State or the United States Department of Labor; or

3. Any proceeding, filing or action otherwise affecting the legal rights, duties, obligations or liabilities of a person.

Sec. 6. "Registrant" means a document preparation service registered pursuant to this chapter.

Sec. 7. 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of a gross misdemeanor pursuant to paragraph (b) of subsection 1 of section 25 of this act; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

- (1) Convicted of a crime involving theft, fraud or dishonesty;*
- (2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or*
- (3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.*

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~the~~

~~*(a) A complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the document preparation service, and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*~~

~~*(b) An application fee of \$300;*~~

~~*(c) An additional fee, established by regulation of the Secretary of State, equal to the sum charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the applicant's fingerprints; and*~~

~~*(d) A*~~ *a* ~~*cash bond or surety bond meeting the requirements of section 9 of this act.*~~

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

Sec. 8. 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~the~~

~~*(a) A renewal fee of \$100; and*~~

~~*(b) A*~~ *a* ~~*cash bond or surety bond meeting the requirements of section 9 of this act, unless the bond previously filed by the registrant remains on file and in effect.*~~

2. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report ~~f, in which case the Secretary of State shall require the registrant to pay the additional fee established pursuant to paragraph (c) of subsection 3 of section 7 of this act.~~

3. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 23 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 9. 1. A registrant shall file with the Secretary of State a cash bond or surety bond in the penal sum of \$50,000 which is approved as to form by the Attorney General and conditioned to provide:

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to section 15 of this act;

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) *The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.*

(d) *The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.*

(e) *If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.*

(f) *The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.*

4. *Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.*

5. *The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.*

6. *The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant ~~is~~*

~~(a) Files~~ *files with the Secretary of State a new bond meeting the requirements of this section. ~~is~~ and*

~~(b) Pays to the Secretary of State a fee for reinstatement in the amount of \$300.~~

7. *Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.*

Sec. 10. 1. *In addition to any other requirements set forth in this chapter:*

(a) A natural person who applies for registration or the renewal of registration as a document preparation service pursuant to section 7 or 8 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. *The Secretary of State shall include the statement required pursuant to subsection 1 in:*

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. *Registration as a document preparation service may not be issued or renewed by the Secretary of State if the applicant:*

(a) Fails to submit the statement required pursuant to subsection 1; or

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

4. *If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

Sec. 11. 1. *If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as a document preparation service, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Secretary of State shall reinstate a registration as a document preparation service that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 12. 1. *Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a clear and conspicuous statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.*

2. *The statement required by subsection 1 to be included in an advertisement must:*

- (a) Be in the same language as the rest of the advertisement; and*
- (b) Be in the form prescribed by regulation of the Secretary of State.*

3. *A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.*

Sec. 13. 1. *Each registrant shall display conspicuously in his or her place of business a copy of his or her certificate of registration and a written notice meeting the requirements of this section.*

2. *The notice must:*

(a) Be not less than 12 by 20 inches in size, and each character of text in the notice must be not less than 1 inch in height and 1 inch in width.

(b) Be written in English and in each other language in which the registrant transacts business with the registrant's clients.

(c) Contain a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Contain the full name of the registrant or, if more than one registrant is providing services at that place of business, the full name of each such registrant.

(e) Contain a list of the services provided by the registrant and the fee charged for each such service.

(f) Contain a statement that the registrant has filed with the Secretary of State a cash bond or surety bond, stating the amount and any identifying number of the bond.

Sec. 13.5. 1. *A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:*

(a) Obtain a state business license before offering a document preparation service; and

(b) Maintain a state business license during the period of the registrant's registration as a document preparation service.

2. Each registrant shall display conspicuously in the registrant's place of business a copy of:

(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 14. 1. *Before providing any services to a client or presenting a client with the contract required by section 15 of this act, a registrant must:*

(a) Furnish the client with a written form of disclosure meeting the requirements of this section, with a copy for the client to retain; and

(b) Require the client to read and sign the disclosure, acknowledging that the client has read and understands it.

2. The disclosure must be written in English and, if different, the language in which the registrant transacts business with the client and must include:

(a) The full name, business address and telephone number and registration number of the registrant.

(b) The name and business address of the registrant's agent for service of process, if any, in this State.

(c) A statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Unless the registrant is an attorney licensed to practice in another state or other jurisdiction, a statement that any communication between the client and the registrant is not protected from disclosure by any privilege.

(e) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.

(f) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. 1. *Before a registrant provides any services to a client, the registrant and the client must enter into a written contract meeting the*

requirements of this section. The registrant shall provide the client with a copy of the contract.

2. The contract must:

(a) Be written in English and, if different, in the language in which the registrant transacts business with the client, and be printed or typewritten in not less than 12-point type.

(b) Explain the services to be performed by the registrant and state the total price to be paid by the client for all such services.

(c) With respect to any document to be prepared by the registrant:

(1) State the estimated date by which the document is to be completed;

(2) Identify the court or agency with which the document is to be filed or submitted; and

(3) If applicable, identify any associated deadlines or hearing dates of the court or agency with which the document is to be filed or submitted.

(d) Include on the first page of the contract a statement in boldface type that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(e) Include a statement that any complaint concerning the registrant may be directed to:

(1) If the complaint involves an alleged violation of this chapter, the Secretary of State; or

(2) If the complaint involves an allegation that the registrant is engaged in the unauthorized practice of law, the office of Bar Counsel of the State Bar of Nevada,

↳ with the toll-free telephone number and Internet address for making the complaint.

(f) State the date of the client's signature on the contract, if the client agrees to the terms of the contract.

3. A contract between a registrant and a client that does not comply with any requirement of this section is voidable by the client.

Sec. 16. Any document prepared for a client by a registrant must include, below any required signature of the client, the name, business address and telephone number and registration number of the registrant.

Sec. 17. 1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a client in connection with services rendered by the registrant.

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a client any original document provided by the client:

(a) Upon the request of the client;

(b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or

(c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a client is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to the client.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the client over the registrant's fees or costs.

Sec. 18. 1. *Upon the presentation to a registrant of a written form of authorization signed by a client, the registrant shall provide a complete copy of the client's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.*

2. A registrant shall retain a copy of any document prepared for a client for not less than 3 years after the date of the last service performed for the client. At the end of that period, unless the client requests that the document be given to the client, the document may be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.

Sec. 19. *A registrant shall provide a signed receipt to a client for each payment made to the registrant by the client. The receipt must be printed or typewritten on the letterhead of the registrant and must include the name, business address and telephone number, registration number and taxpayer identification number of the registrant.*

Sec. 20. *A registrant shall not:*

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of

the registrant, use the term “legal aid,” “legal services,” “law office,” “notary public,” “notary,” “licensed,” “attorney,” “lawyer” or any similar term, in English or in any other language, which implies that the registrant:

- (a) Offers services without charge if the registrant does not do so; or*
- (b) Is an attorney authorized to practice law in this State.*

4. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

5. Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

6. Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

7. Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 21. 1. In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.

2. The Secretary of State shall:

(a) Establish a toll-free telephone number which may be used by any person to make a complaint about a registrant or an alleged violation of this chapter.

(b) Post on the Internet website of the Secretary of State information concerning making such a complaint, which must include the telephone number established pursuant to paragraph (a).

Sec. 22. 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to section 25 of this act.

(b) If a registrant has committed the violation, begin proceedings pursuant to section 23 of this act to revoke or suspend the registration of the registrant.

(c) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to section 24 of this act.

(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 25 of this act.

(e) Take any combination of the actions described in this subsection.

Sec. 23. 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↳ that would disqualify the registrant from registration pursuant to subsection 2 of section 7 of this act.

Sec. 24. 1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than \$100 or more than \$5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 25. 1. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. In addition to the penalties prescribed by subsection 1, the court may order a person described in that subsection to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

3. For the purposes of subsections 1 and 2, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Sec. 26. Notwithstanding the provisions of sections 22 to 25, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of \$500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 27. The provisions of this chapter do not:

1. Authorize the practice of law by any person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State; or

2. Prohibit a person from representing or otherwise acting for himself or herself in a legal matter without the services of an attorney.

Sec. 28. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of \$150,000 for the development of internal and external applications on the Internet website of the Office of the Secretary of State to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the Office of the Secretary of State or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the Office of the Secretary of State or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

~~[Sec. 28.]~~ **Sec. 29.** 1. This **section and section 28 of this act become effective upon passage and approval.**

2. Sections 1 to 27, inclusive, of this act ~~[becomes]~~ become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~[2.]~~ **3.** Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,
 ↪ are repealed by the Congress of the United States.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Assemblyman Horne requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 74. This is quite a long floor statement; I'm going to hit the big parts. Assembly Bill 74, as amended, requires individuals engaged in the business of providing document preparation services to register with the Secretary of State. It also, as amended, defines a document preparation service as any person who, for compensation, provides assistance in a legal matter, including, but not limited to, the preparation or completion of a pleading, application, or other document for a client; translating an answer to a question posed in such a document; securing supporting documentation required in connection with a legal matter; or the submission of a completed document on behalf of a client to a court or administrative agency. The bill specifically excludes secretarial or receptionist services; a licensed Nevada attorney or his employees; a law student certified by the State Bar of Nevada for training in the practice of law; a government entity or its employees; a nonprofit corporation that provides legal services free of charge; a legal aid office or lawyer sponsored by an accredited law school, government agency, or a bar association; a military legal assistance office; or a person registered with an agency or entity of the United States government; a person who provides legal forms or computer programs that enable another person to create legal documents; or a commercial wedding chapel. It establishes ages, criteria, a bond, and other matters properly relating thereto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 106.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 805.

AN ACT relating to occupational safety; providing for the award of certain costs, fees and expenses to prevailing parties in actions before the Occupational Safety and Health Review Board under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Industrial Relations of the Department of Business and Industry to prosecute, defend and maintain actions in the name of the Division for the enforcement of provisions relating to occupational safety and health. (NRS 618.525) **Sections 6-8** of this bill provide, under certain circumstances, for certain costs, fees and expenses to be awarded to the prevailing party in actions or proceedings before the Occupational Safety and Health Review Board that are brought by or against the Division or in an action for judicial review before a court. **Section 9** of this bill provides that if the Division appeals an award of costs, fees or expenses made to a prevailing party and the award is affirmed in whole or in part, the Division must pay interest on the amount that is affirmed. **Section 10** of this bill generally requires ~~for~~ **a final** award of costs, fees and expenses made to a prevailing party to be paid from ~~money provided by appropriation by the Legislature for the funding of the Division.~~ **the Fund for Insurance Premiums. Section 10 further provides that payment of such an award must be approved by the Attorney General if the amount of the award is less than the amount specified by regulation or policy of the State Board of Examiners; for larger awards, payment must be approved by the State Board of Examiners. Section 10.3 of this bill provides that the provisions in the bill must not be construed to prohibit the Division from agreeing to settle a claim for costs, fees and expenses.**

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~10,~~ **10.3**, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~10,~~ 10.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Expenses” means the reasonable cost of any study, analysis, engineering report, test or project which is determined by the Board or a court to have been necessary for the preparation of a party’s case.*

Sec. 4. *“Fees” means the reasonable fees of attorneys, persons representing a party before the Board and expert witnesses.*

Sec. 5. “Party” means:

1. *A natural person, other than an employee or official of the Division, who, at the time an action or proceeding by or against the Division was filed, did not have a net worth in excess of \$2,000,000; or*

2. *An owner of any business entity, corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership or other organization who, at the time an action or proceeding by or against the Division was filed, did not have a net worth in excess of \$7,000,000 and did not have more than 500 employees.*

Sec. 6. *In any action or proceeding before the Board brought by or against the Division or an employee or official of the Division acting in his or her official capacity, or in any action for judicial review before a court, the prevailing party must be awarded costs, which must be limited to reimbursing, in whole or in part, the costs incurred by the prevailing party in prosecuting or defending the action or proceeding.*

Sec. 7. 1. *Except as otherwise provided in subsection 2 and only upon application by the prevailing party pursuant to subsection 3, in any action or proceeding before the Board brought by or against the Division or an employee or official of the Division acting in his or her official capacity, or in any action for judicial review before a court, the prevailing party must be awarded fees and expenses incurred by the prevailing party in prosecuting or defending the action or proceeding.*

2. *An award of fees and expenses must not be made to a prevailing party if the Board or the court, as applicable, determines that the position of the Division was substantially justified or that the existence of special circumstances would make the award unjust.*

3. *A party seeking an award of fees and expenses must, within 30 days after the decision of the Board or the court, as applicable, submit to the Board or the court an application for such fees and expenses indicating:*

(a) *That the party is a prevailing party, along with a statement verifying the net worth of the party and, if applicable, the number of employees it has;*

(b) *That the position of the Division was not substantially justified; and*

(c) *The amount sought, including an itemized statement provided by an attorney, the person who represented the party before the Board or the court or any expert witness who represented or appeared on behalf of the party that shows the actual time expended and the rate at which the requested fees and expenses were computed.*

4. *Any fees awarded pursuant to this section must be based upon the prevailing market rate for the type and quality of the service provided, except that:*

(a) No expert witness may be compensated at a rate higher than the highest rate of compensation paid by the Division for an expert witness; and

(b) No attorney or person representing the party before the Board or the court may be compensated at a rate higher than \$200 per hour unless the Board or the court, as applicable, determines that an increase in the cost of living or other special factor, including, without limitation, the availability of qualified attorneys or representatives, justifies a higher fee.

5. Whether or not the position of the Division was substantially justified must be determined on the basis of the record of the action or proceeding as a whole, including any administrative record concerning the action or inaction by the Division upon which the matter in controversy was based.

6. The Board or the court, as applicable, may in its discretion reduce or deny any amount to be awarded pursuant to this section if a determination is made that the prevailing party engaged in conduct during the course of the action or proceeding which unduly and unreasonably protracted the final resolution of the matter in controversy.

7. As used in this section:

(a) "Decision" means a final disposition or order issued by the Board or the court, including an order of settlement, whether or not appealable.

(b) "Position" includes:

(1) The alleged action or inaction of the Division which gave rise to the matter in controversy; and

(2) The legal or factual theory asserted by the Division upon which the Division prosecuted or defended the matter in controversy.

Sec. 8. 1. If, in any action or in any proceeding for judicial review of an adjudication brought by the Division, the demand by the Division is substantially in excess of the judgment ultimately obtained by the Division and is unreasonable when compared with such judgment under the facts and circumstances of the case, the party who prosecuted or defended the action or proceeding against the Division shall be deemed to be the prevailing party and the Board or the court, as applicable, shall award to that prevailing party the costs, fees and expenses incurred in defending against the excessive demand made by the Division unless:

(a) The prevailing party has committed a willful violation of law;

(b) The prevailing party has acted in bad faith; or

(c) Special circumstances make an award unjust.

2. A prevailing party seeking an award pursuant to this section must submit to the Board or the court, as applicable, an application for such an award in the same time and manner as an application filed pursuant to section 7 of this act.

Sec. 9. If the Division appeals an award of costs, fees or expenses made to a prevailing party and the award is affirmed in whole or in part, the Division must pay interest, computed at the rate established pursuant to NRS 99.040, on the amount of the award as affirmed from the date of the initial award to the date of the final decree of affirmance.

Sec. 10. ~~Am~~

1. Within 10 business days after:

(a) An award of costs, fees and expenses made pursuant to ~~sections~~ section 6, 7 or 8 of this act ~~must be paid by the Division from money provided by appropriation by the Legislature for the funding of the Division.~~ is upheld by a reviewing court, in whole or in part, and further review is not timely sought or is not available under applicable law; or

(b) When any time allowed by applicable law for seeking such a review expires without review having been timely sought,

↪ the Division shall give written notice of the award, and the name and address of the party entitled to payment of the award, to the Attorney General.

2. The State Board of Examiners shall prescribe by regulation or policy:

(a) The maximum amount of an award that may be approved for payment by the Attorney General; and

(b) The procedure to be used by the Attorney General to approve payment of an award.

3. If the Attorney General is authorized pursuant to subsection 2 to approve payment of an award, the Attorney General shall approve payment of the award.

4. If the Attorney General is not authorized pursuant to subsection 2 to approve payment of an award, the Attorney General shall investigate the award and submit a report of findings to the State Board of Examiners concerning the award.

5. Upon receiving a report of findings pursuant to subsection 4, the State Board of Examiners shall approve payment of the award.

6. Upon approval of payment of an award pursuant to this section, the State Controller shall draw a warrant for payment of the award. Except as otherwise provided in NRS 353.264, the State Treasurer shall pay the award from the Fund for Insurance Premiums.

Sec. 10.3. The provisions of sections 2 to 10.3, inclusive, of this act must not be construed to prohibit the Division from agreeing at any time to settle the claim of a party for costs, fees and expenses incurred in any action or proceeding governed by those sections. Any claim that is so resolved must be paid by the Division.

Sec. 10.5. NRS 331.187 is hereby amended to read as follows:

331.187 1. There is created in the State Treasury the Fund for Insurance Premiums as an internal service fund to be maintained for use by the Risk Management Division of the Department of Administration and the Attorney General.

2. Each state agency shall deposit in the Fund:

(a) An amount equal to its insurance premium and other charges for potential liability, self-insured claims, other than self-insured tort claims, and administrative expenses, as determined by the Risk Management Division; and

(b) An amount for self-insured tort claims and expenses related to those claims, as determined by the Attorney General.

3. Each county shall deposit in the Fund an assessment for the employees of the district court of that county, excluding district judges, unless the county enters into a written agreement with the Attorney General to:

(a) Hold the State of Nevada harmless and assume liability and costs of defense for the employees of the district court;

(b) Reimburse the State of Nevada for any liability and costs of defense that the State of Nevada incurs for the employees of the district court; or

(c) Include the employees of the district court under the county's own insurance or other coverage.

4. Expenditures from the Fund must be made by the Risk Management Division or the Attorney General to an insurer for premiums of state agencies as they become due or for deductibles, self-insured property and tort claims or claims pursuant to NRS 41.0349 ~~or~~ or to a party for an award pursuant to section 10 of this act. If the money in the Fund is insufficient to pay a tort claim ~~or~~ award, it must be paid from the Reserve for Statutory Contingency Account.

5. As used in this section, "assessment" means an amount determined by the Risk Management Division and the Attorney General to be equal to the share of a county for:

(a) Applicable insurance premiums;

(b) Other charges for potential liability and tort claims; and

(c) Expenses related to tort claims.

Sec. 10.7. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050,

212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 ~~and~~ 41.037 ~~and~~ **and section 10 of this act**, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 11. The amendatory provisions of this act apply to actions or proceedings which are pending or which have not yet been commenced as of the effective date of this act.

Sec. 12. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 806.

AN ACT relating to labor; creating the Wage Claim Restitution Account; requiring an employer to provide to his or her employees at the time of hire certain employment-related information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer in this State to conspicuously post on the premises where any person is employed a printed abstract of chapter 608 of NRS, which governs compensation, wages and hours. (NRS 608.013) **Section 5** of this bill requires an employer to provide to his or her employees at the time of hire certain employment-related information.

Section 4 of this bill creates the Wage Claim Restitution Account into which must be deposited 25 percent of the amount of certain ~~Administrative~~ penalties collected by the Labor Commissioner. The money in the Account must be used only to provide restitution to certain employees who are underpaid by their employers in violation of certain provisions of existing law when no other source of restitution is available.

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

Section 1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. ~~All~~ **Except as otherwise provided in section 4 of this act, all** money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund.

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may seek a civil remedy, impose an administrative penalty or take other

administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 2. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. *The Wage Claim Restitution Account is hereby created in the State General Fund. The Labor Commissioner shall administer the Account. Twenty-five percent of the amount of each ~~administrative~~ penalty collected by the Labor Commissioner ~~pursuant to NRS 608.195~~ for a violation of NRS 608.040 must be delivered to the custody of the State Treasurer for deposit to the credit of the Account.*

2. The money in the Account must be used only to provide restitution to an employee who is underpaid by an employer in violation of the provisions of NRS ~~608.017, 608.100 or 608.250~~ 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, when no other source of restitution is available. An employee who is underpaid by an employer in violation of the provisions of NRS ~~608.017, 608.100 or 608.250~~ 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, may make a claim against the Account, and the Labor Commissioner may approve such a claim in accordance with regulations adopted by the Labor Commissioner.

3. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

4. Any interest earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of any fiscal year does not revert to the State General Fund.

Sec. 5. NRS 608.013 is hereby amended to read as follows:

608.013 Every employer shall ~~conspicuously~~ ~~post~~:

1. Conspicuously post and keep so posted on the premises where any person is employed a printed abstract of this chapter to be furnished by the Labor Commissioner.

2. At the time of hire, provide to each employee, the following information:

(a) The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission or otherwise, that are applicable to the employee at the time of hire;

(b) The provisions concerning overtime compensation set forth in NRS 608.018, if applicable;

(c) Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances;

(d) The regular paydays established by the employer in accordance with the provisions of NRS 608.080;

(e) The name of the employer;

(f) The physical address of the employer's main office or principal place of business;

(g) If different from the address described in paragraph (f), a mailing address of the employer;

(h) The telephone number of the employer; and

(i) The name, address and telephone number of the workers' compensation insurance carrier of the employer.

Sec. 6. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, **and section 4 of this act** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on October 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 213.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 807.

AN ACT relating to service contracts; ~~allowing a provider to qualify for~~ **revising provisions governing** the issuance of a certificate of registration ~~by maintaining a reserve account and depositing certain security with the Commissioner of Insurance;~~ **to a provider of a service contract;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in order to be issued a certificate of registration, a provider who wishes to issue, sell or offer for sale any service contracts in this State must: (1) purchase a contractual liability insurance policy which insures the obligations of each service contract that the provider issues, sells or offers for sale ~~;~~ **and which is issued by an insurer that is not an affiliate of the provider and is authorized to transact insurance in this State;** or (2) maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least \$100,000,000. (NRS 690C.170) ~~Without revising those provisions of existing law, this bill reenacts provisions, repealed in the 2011 Legislative Session, that allow~~ **This bill removes the limitation on the issuance of a contractual liability insurance policy to a provider by an insured who is an affiliate of the provider by authorizing the contractual liability insurance policy to be issued by any insurer who is licensed, registered or otherwise authorized to transact insurance in this State. This bill also authorizes** a provider to qualify for the issuance of a certificate of registration by: (1) maintaining a reserve account that contains at all times at least 40 percent of the **unearned** gross consideration received by the provider for any unexpired contracts ~~;~~ ~~less any claims paid on those contracts;~~ and (2) depositing security with the Commissioner of Insurance in the amount of ~~[\$50,000]~~ **\$25,000** or 10 percent of the **unearned** gross consideration received by the provider for any unexpired service contracts, ~~less any claims paid on those contracts;~~ whichever is greater.

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

Section 1. NRS 690C.170 is hereby amended to read as follows:

690C.170 To be issued a certificate of registration, a provider must comply with one of the following:

1. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must be issued by an insurer which is ~~not an affiliate of the provider and which is~~ **licensed, registered or otherwise** authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS. ~~;~~

2. *Maintain a reserve account and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the unearned gross consideration received by the provider for any unexpired service contracts ~~, less any claims paid on those unexpired service contracts.~~ The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to ~~+\$50,000~~ \$25,000 or 10 percent of the unearned gross consideration received by the provider for any unexpired service contracts, ~~less any claims paid on the unexpired service contracts,~~ whichever is greater. The security must be:*

- (a) A surety bond issued by a surety company authorized to do business in this State;*
- (b) Securities of the type eligible for deposit pursuant to NRS 682B.030;*
- (c) Cash;*
- (d) An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or*
- (e) In any other form prescribed by the Commissioner.*

3. Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least \$100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

Sec. 2. This act becomes effective on January 1, 2014.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 242.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 825.

AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver's license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections ~~5 and~~ 6 and 9 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) requests to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States ~~[provide evidence satisfactory to the Department]~~, **submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty,"** indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of **section ~~5 or~~ 6 ~~or~~ 9**, as applicable, **sections 2 and 3** of this bill require the Department to place a designation that the person is a veteran on the person's instruction permit, driver's license or identification card, as appropriate. **Sections ~~5 and~~ 6 and 9** also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Upon the application of a person who requests that his or her instruction permit or driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.292, and who satisfies the requirements of that subsection, the Department shall place on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.*

2. *The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.*

Sec. 3. 1. *Upon the application of a person who requests that his or her identification card indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.852, and who satisfies the requirements of that subsection, the Department shall place on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, a designation that the person is a veteran.*

2. *The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any identification card to which this section applies.*

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 2 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 5. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

~~{Sec. 5.}~~ **Sec. 6.** NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for *the initial issuance of* an instruction permit or driver's license pursuant to NRS 483.290 ~~{}~~ *or the renewal of an instruction permit or driver's license*, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~{evidence}~~:

(a) *Evidence* satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~{}~~; *and*

(b) *A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.*

3. ~~{If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.}~~ *In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United*

~~States [may request that] and who wishes to have placed on his or her instruction permit or driver's license [have imprinted the] a designation that he or she is a veteran, as described in section 2 of this act. [A person who submits a request pursuant to this subsection] must [provide evidence satisfactory to the Department that he or she] :~~

~~(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States. [The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.]~~

~~4. (b) If applying for the renewal of an instruction permit or driver's license upon which a designation that the person is a veteran:~~

~~(1) Is not placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.~~

~~(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the instruction permit or driver's license to continue to designate that the person is a veteran.~~

~~4. [5.] The Department shall, at least once each [quarter:] month:~~

~~(a) Compile [the aggregate number] a list of persons who have, during the immediately preceding [quarter:] month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and~~

~~(b) Transmit that [number] list to the Office of Veterans Services to be used for statistical and communication purposes.~~

Sec. 7. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive, ~~[,]~~ **and section 2 of this act**; or

(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 8. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, **and section 2 of this act**, unless such violation is, by NRS 483.010 to 483.630, inclusive, **and section 2 of this act** or other law of this State, declared to be a felony.

~~[Sec. 6.]~~ **Sec. 9.** NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for *the initial issuance of* an identification card pursuant to NRS 483.850 ~~[,]~~ **or the renewal of an identification card pursuant to NRS 483.875**, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ :

(a) *Evidence* satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[,]~~ **and**

(b) *A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.*

3. ~~[[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]]~~ In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States ~~[may request that]~~ and who wishes to have placed on his or her identification card ~~[have imprinted the]~~ a designation that he or she is a veteran, as described in section 3 of this act, ~~[A person who submits a request pursuant to this subsection]~~ must ~~[provide evidence satisfactory to the Department that he or she]~~ :

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States. ~~[The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.]~~

~~4.]~~ (b) If applying for the renewal of an identification card upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the identification card to continue to designate that the person is a veteran.

4. ~~[5.]~~ The Department shall, at least once each ~~[quarter.]~~ month:

(a) Compile ~~[the aggregate number]~~ a list of persons who have, during the immediately preceding ~~[quarter.]~~ month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ list to the Office of Veterans Services to be used for statistical *and communication* purposes.

Sec. 10. This act becomes effective on January 1, 2014.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 256.

Bill read third time.

Remarks by Assemblywomen Spiegel and Carlton.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 256 makes various changes to provisions concerning motorcycles and related vehicles. It revises some definitions and changes some requirements, fees, and other provisions. It also removes a provision that currently allows the Nevada Legislature to use money in the account for the Program for the Education of Motorcycle Riders for any other purpose authorized by the Legislature.

ASSEMBLYWOMAN CARLTON:

As this bill was released from Ways and Means, the fee cap was adjusted and language was trued up with other bills that are in the same pipeline so that there will not be a conflict amendment needed at a later time. This has been addressed in the budget and was part of the budget closings a week ago today.

Roll call on Assembly Bill No. 256:

YEAS—39.

NAYS—Fiore.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 256 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Duncan.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 370 revises the procedures for resolving disputes over the application, enforcement, or interpretation of the governing documents of a common-interest community. The bill requires disputes to be submitted to mediation prior to commencement of civil action in court or, if the parties agree, to a referee program that may be established by the Real Estate Division, Department of Business and Industry. Assembly Bill 370 requires the parties in a mediation to file written statements setting forth the issues in dispute, requires mediation to be completed within three hours unless the parties agree to extend the time, and establishes maximum fees that may be charged for mediation. The measure also authorizes the parties to enter into binding or nonbinding arbitration if the parties do not reach an agreement through mediation or a referee program.

I did work very closely on A.B. 370 with representatives from legal aid and representatives of the common-interest community association industry. The goal of A.B. 370 is to try to reduce the amount of cases that go to very costly arbitration and costly courtrooms, so we are hoping that things can be resolved at the mediation level with A.B. 370. I urge this body's support.

ASSEMBLYMAN DUNCAN:

I rise in support of A.B. 370. I want to echo my colleague's comments, that there were a lot of late nights in the HOA subcommittee, and a lot of hard work went into this bill. I think it is a great bill in the sense that hopefully it will allow homeowners to use the mediation process before going to arbitration or doing those other things. It will help disputes, and I think it is good for the homeowner and good for the parties, so I urge this body's support.

Roll call on Assembly Bill No. 370:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 370 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Benitez-Thompson.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Sierra Nichole Heddy.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Nathaniel Frierson.

Assemblyman Horne moved that the Assembly adjourn until Monday, May 27, 2013, at 11:30 a.m., and that it do so with thoughts and prayers with Assemblyman Paul Anderson.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly