
ASSEMBLY BILL NO. 481—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Ways and Means

SUMMARY—Provides additional authority for the enforcement of the laws prohibiting deceptive trade practices. (BDR 52-1168)

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

~

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

AN ACT relating to deceptive trade practices; revising the requirements for the impoundment of property in cases involving deceptive trade practices; authorizing the Attorney General to bring administrative actions in such cases; requiring the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry to provide investigative assistance to the Attorney General with such cases; revising the provisions governing the revolving account for the Consumer Affairs Division of the Department of Business and Industry; revising provisions governing the service of subpoenas issued by the Division; expanding injunctive relief available against a person engaging in a deceptive trade practice; requiring the Attorney General to share certain proceeds with the Division; authorizing the Director to assess administrative fines; revising provisions relating to assurances of discontinuance; revising provisions relating to nondisclosure; authorizing certain violations to be charged as a felony; creating the Consumer Affairs Unit within the Department of Business and Industry; continuing the transfer of certain powers and duties of the Consumer Affairs Division and the Commissioner of Consumer Affairs to the Office of the Attorney General; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law authorizes certain parties to seize property in a deceptive trade
2 practice case if the property owner is given a hearing and the seizure will not impair
3 his or her business activities. (NRS 598.096) **Section 1** of this bill revises these
4 requirements, authorizing such a seizure if the property owner is given a hearing
5 and the seizure is necessary to protect the public and is in the public interest.
6 Existing law authorizes the Attorney General to bring legal proceedings against a
7 person who is engaging in a deceptive trade practice. (NRS 598.0963) **Section 2** of
8 this bill authorizes the Attorney General to alternatively bring an administrative
9 action before the Consumer Affairs Division of the Department of Business and
10 Industry. Existing law requires that the Commissioner of Consumer Affairs or the
11 Director of the Department of Business and Industry provide investigative
12 assistance to the Attorney General with cases involving a deceptive trade practice,
13 subject to limitations of legislative appropriation or availability of personnel. (NRS
14 598.0965) **Section 3** of this bill removes the aforementioned limitations.

15 Existing law creates a revolving account for the Consumer Affairs Division.
16 (NRS 598.0966) **Section 4** of this bill requires the Commissioner to administer the
17 account and authorizes him or her to deposit grants and fines received by the
18 Division into the account. **Section 4** also requires the money in the account to be
19 used to defray the costs of the Division. **Section 8** of this bill requires the Attorney
20 General to share the proceeds of certain fines and penalties with the Division.
21 Existing law authorizes the Commissioner or the Director to issue subpoenas and
22 prescribes the method of service. (NRS 598.0967) **Section 5** revises the
23 requirements for service of these subpoenas. Existing law authorizes a court to
24 provide injunctive relief to prevent deceptive trade practices by a person who is not
25 cooperating with an investigation. (NRS 598.097) **Section 6** of this bill authorizes a
26 court to order a person who is not cooperating with an investigation to cease doing
27 business in this State. Existing law authorizes certain sanctions against a person
28 found to be engaging in a deceptive trade practice, including an order to cease and
29 desist, payment of investigation and hearing costs and payment of restitution. (NRS
30 598.0971) **Section 7** of this bill authorizes the Director to assess an administrative
31 fine as well. **Section 9** of this bill revises the provisions authorizing the
32 Commissioner or Director to accept an assurance of discontinuance in lieu of
33 commencing a formal enforcement action. Existing law allows the Commissioner
34 or Director to make certain disclosures regarding deceptive trade practices. (NRS
35 598.098) **Section 10** of this bill makes the Commissioner and Director subject to
36 the same nondisclosure law as the Attorney General in these cases. **Section 13** of
37 this bill authorizes certain violations of the provisions governing deceptive trade
38 practices to be charged as a category B felony.

39 **Section 14** of this bill creates, from July 1, 2015, through June 30, 2017, the
40 Consumer Affairs Unit within the Department to perform certain duties previously
41 assigned to the Consumer Affairs Division. **Section 15** of this bill provides that
42 certain provisions which were temporarily repealed by the 75th Session of the
43 Nevada Legislature are no longer repealed. **Section 16** of this bill continues the
44 temporary repeal of certain other provisions repealed by the 75th Session.



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

1 **Section 1.** NRS 598.096 is hereby amended to read as follows:

2 598.096 When the Commissioner, Director or Attorney
3 General has cause to believe that any person has engaged or is
4 engaging in any deceptive trade practice, he or she may:

5 1. Request the person to file a statement or report in writing
6 under oath or otherwise, on such forms as may be prescribed by the
7 Commissioner, Director or Attorney General, as to all facts and
8 circumstances concerning the sale or advertisement of property by
9 the person, and such other data and information as the
10 Commissioner, Director or Attorney General may deem necessary.

11 2. Examine under oath any person in connection with the sale
12 or advertisement of any property.

13 3. Examine any property or sample thereof, record, book,
14 document, account or paper as he or she may deem necessary.

15 4. Make true copies, at the expense of the Consumer Affairs
16 Division of the Department of Business and Industry, of any record,
17 book, document, account or paper examined pursuant to subsection
18 3, which copies may be offered into evidence in lieu of the originals
19 thereof in actions brought pursuant to NRS 598.097 and 598.0979.

20 5. Pursuant to an order of any district court, impound any
21 sample of property which is material to the deceptive trade practice
22 and retain the property in his or her possession until completion of
23 all proceedings as provided in NRS 598.0903 to 598.0999,
24 inclusive. An order may not be issued pursuant to this subsection
25 unless:

26 (a) The Commissioner, Director or Attorney General and the
27 court give the accused full opportunity to be heard; and

28 (b) The Commissioner, Director or Attorney General proves by
29 clear and convincing evidence that the ~~business activities of the~~
30 ~~accused will not be impaired thereby.~~ *impoundment of the*
31 *property is necessary to protect the public from further deceptive*
32 *trade practices and is in the public interest.*

33 **Sec. 2.** NRS 598.0963 is hereby amended to read as follows:

34 598.0963 1. Whenever the Attorney General is requested in
35 writing by the Commissioner or the Director to represent him or her
36 in instituting a legal proceeding against a person who has engaged
37 or is engaging in a deceptive trade practice, the Attorney General
38 may bring an action in the name of the State of Nevada against that
39 person on behalf of the Commissioner or Director.

40 2. *The Attorney General may bring an action in the name of*
41 *the State of Nevada before the Consumer Affairs Division of the*
42 *Department of Business and Industry for a violation of any*



1 *provision of this chapter if he or she deems it appropriate to seek*
2 *administrative enforcement. Any action brought pursuant to this*
3 *subsection must not be dismissed by the Commissioner or Director*
4 *before holding an evidentiary hearing.*

5 3. The Attorney General may institute criminal , *civil or*
6 *administrative* proceedings to enforce the provisions of NRS
7 598.0903 to 598.0999, inclusive. *A criminal or civil proceeding*
8 *may be initiated in any district court.* The Attorney General is not
9 required to obtain leave of the court before instituting criminal
10 proceedings pursuant to this subsection.

11 ~~[3.]~~ 4. If the Attorney General has reason to believe that a
12 person has engaged or is engaging in a deceptive trade practice, the
13 Attorney General may bring an action in the name of the State of
14 Nevada against that person to obtain a temporary restraining order, a
15 preliminary or permanent injunction, or other appropriate relief.

16 ~~[4.]~~ 5. If the Attorney General has cause to believe that a
17 person has engaged or is engaging in a deceptive trade practice, the
18 Attorney General may issue a subpoena to require the testimony of
19 any person or the production of any documents, and may administer
20 an oath or affirmation to any person providing such testimony. The
21 subpoena must be served upon the person in the manner required for
22 service of process in this State or by certified mail with return
23 receipt requested. An employee of the Attorney General may
24 personally serve the subpoena.

25 **Sec. 3.** NRS 598.0965 is hereby amended to read as follows:

26 598.0965 1. ~~[Within the limits of legislative appropriation~~
27 ~~and the availability of personnel, the]~~ *The* Commissioner or
28 Director shall provide investigative assistance, including the
29 identification and use of relevant evidence in his or her possession,
30 necessary for litigation referred to the Attorney General pursuant to
31 NRS 598.0963 or 598.0979. The Attorney General shall provide
32 legal advice and guidance to the Commissioner or Director in
33 carrying out his or her powers and duties pursuant to NRS 598.0903
34 to 598.0999, inclusive, including the investigation of any alleged
35 violation of those sections and the preparation for litigation.

36 2. Upon written request by the Attorney General, the
37 Commissioner or Director may provide any investigative assistance,
38 including evidence and information in his or her possession, for use
39 in any action brought by the Attorney General pursuant to
40 subsection ~~[3]~~ 4 of NRS 598.0963. No request for assistance may be
41 unreasonably denied.

42 **Sec. 4.** NRS 598.0966 is hereby amended to read as follows:

43 598.0966 1. There is hereby created a revolving account for
44 the Consumer Affairs Division of the Department of Business and
45 Industry . ~~[in the sum of \$7,500, which must be used for the~~



1 ~~payment of expenses related to conducting an undercover~~
2 ~~investigation of a person who is allegedly engaging in a deceptive~~
3 ~~trade practice.] *The account must be administered by the*~~
4 ~~*Commissioner.*~~

5 2. The Commissioner shall deposit ~~[the money in the revolving~~
6 ~~account in a bank or credit union qualified to receive deposits of~~
7 ~~public money as provided by law, and the deposit must be secured~~
8 ~~by a depository bond satisfactory to the State Board of Examiners.]~~
9 ~~*any grant or administrative fine received by the Division into the*~~
10 ~~*account.*~~

11 3. ~~[The Commissioner or the designee of the Commissioner~~
12 ~~may:~~

- 13 —(a) Sign all checks drawn upon the revolving account; and
14 —(b) Make withdrawals of cash from the revolving account.

15 —4. ~~Payments made from the revolving account must be~~
16 ~~promptly reimbursed from the legislative appropriation, if any, to~~
17 ~~the Consumer Affairs Division for the expenses related to~~
18 ~~conducting an undercover investigation of a person who is allegedly~~
19 ~~engaging in a deceptive trade practice. The claim for reimbursement~~
20 ~~must be processed and paid as other claims against the State are~~
21 ~~paid.~~

22 —5. ~~The Commissioner shall:~~

- 23 —(a) Approve any disbursement from the revolving account; and
24 —(b) Maintain records of any such disbursement.] *The money in*
25 ~~*the account must be used solely to defray the costs and expenses of*~~
26 ~~*the Division.*~~

27 **Sec. 5.** NRS 598.0967 is hereby amended to read as follows:

28 598.0967 1. The Commissioner and the Director, in addition
29 to other powers conferred upon them by NRS 598.0903 to
30 598.0999, inclusive, may issue subpoenas to require the attendance
31 of witnesses or the production of documents, conduct hearings in aid
32 of any investigation or inquiry and prescribe such forms and adopt
33 such regulations as may be necessary to administer the provisions of
34 NRS 598.0903 to 598.0999, inclusive. Such regulations may
35 include, without limitation, provisions concerning the applicability
36 of the provisions of NRS 598.0903 to 598.0999, inclusive, to
37 particular persons or circumstances.

38 2. Service of any notice or subpoena ~~[must]~~ *may* be made *by*
39 *certified mail with return receipt or* as ~~[provided in N.R.C.P.~~
40 ~~45(e).]~~ *otherwise allowed by law. An employee of the Consumer*
41 *Affairs Division of the Department of Business and Industry may*
42 *personally serve a subpoena issued pursuant to this section.*

43 **Sec. 6.** NRS 598.097 is hereby amended to read as follows:

44 598.097 If any person fails to cooperate with any investigation,
45 as provided in NRS 598.096, or if any person fails to obey a



1 subpoena issued by the Commissioner, Director or Attorney General
2 pursuant to NRS 598.0963 or 598.0967, the Commissioner, Director
3 or Attorney General may apply to any district court for equitable
4 relief. The application must state reasonable grounds showing that
5 the relief is necessary to terminate or prevent a deceptive trade
6 practice. If the court is satisfied of the reasonable grounds, the court
7 may:

8 1. Grant injunctive relief restraining the sale or advertisement
9 of any property by the person.

10 2. Require the attendance of or the production of documents by
11 the person, or both.

12 3. *Order the person to cease doing business within this State.*

13 4. Grant other relief necessary to compel compliance by the
14 person.

15 **Sec. 7.** NRS 598.0971 is hereby amended to read as follows:

16 598.0971 1. If, after an investigation, the Commissioner has
17 reasonable cause to believe that any person has been engaged or is
18 engaging in any deceptive trade practice in violation of NRS
19 598.0903 to 598.0999, inclusive, the Commissioner may issue an
20 order directed to the person to show cause why the ~~Commissioner~~
21 *Director* should not order the person to cease and desist from
22 engaging in the practice ~~and to pay an administrative fine~~. The
23 order must contain a statement of the charges and a notice of a
24 hearing to be held thereon. The order must be served upon the
25 person directly or by certified or registered mail, return receipt
26 requested.

27 2. *An administrative hearing on any action brought by the*
28 *Commissioner or the Attorney General must be conducted before*
29 *the Director or his or her designee.*

30 3. If, after conducting a hearing pursuant to the provisions of
31 subsection ~~1, 2~~, the ~~Commissioner~~ *Director or his or her*
32 *designee* determines that the person has violated any of the
33 provisions of NRS 598.0903 to 598.0999, inclusive, or if the person
34 fails to appear for the hearing after being properly served with the
35 statement of charges and notice of hearing, the ~~Commissioner may~~
36 ~~make a written report of~~ *Director or his or her designee shall issue*
37 *an order setting forth* his or her findings of fact concerning the
38 violation and cause to be served a copy thereof upon the person and
39 any intervener at the hearing. If the ~~Commissioner~~ *Director or his*
40 *or her designee* determines in the report that such a violation has
41 occurred, he or she may order the violator to:

42 (a) Cease and desist from engaging in the practice or other
43 activity constituting the violation;

44 (b) Pay the costs of conducting the investigation, costs of
45 conducting the hearing, costs of reporting services, fees for experts



1 and other witnesses, charges for the rental of a hearing room if such
2 a room is not available to the ~~{Commissioner}~~ *Director or his or her*
3 *designee* free of charge, charges for providing an independent
4 hearing officer, if any, and charges incurred for any service of
5 process, if the violator is adjudicated to have committed a violation
6 of NRS 598.0903 to 598.0999, inclusive; ~~{and}~~

7 (c) Provide restitution for any money or property improperly
8 received or obtained as a result of the violation ~~{,}~~; *and*

9 *(d) Impose an administrative fine of \$1,000 or treble the*
10 *amount of restitution ordered, whichever is greater.*

11 ↪ The order must be served upon the person directly or by certified
12 or registered mail, return receipt requested. The order becomes
13 effective upon service in the manner provided in this subsection.

14 ~~{3,}~~ *4.* Any person whose pecuniary interests are directly and
15 immediately affected by an order issued pursuant to subsection ~~{2,}~~ *3*
16 or who is aggrieved by the order may petition for judicial review in
17 the manner provided in chapter 233B of NRS. Such a petition must
18 be filed within 30 days after the service of the order. The order
19 becomes final upon the filing of the petition.

20 ~~{4,}~~ *5.* If a person fails to comply with any provision of an
21 order issued pursuant to subsection ~~{2,}~~ *3*, the Commissioner *or the*
22 *Director* may, through the Attorney General, at any time after 30
23 days after the service of the order, cause an action to be instituted in
24 the district court of the county wherein the person resides or has his
25 or her principal place of business requesting the court to enforce the
26 provisions of the order or to provide any other appropriate
27 injunctive relief.

28 ~~{5,}~~ *6.* If the court finds that:

29 (a) The violation complained of is a deceptive trade practice;

30 (b) The proceedings by the ~~{Commissioner}~~ *Director or his or*
31 *her designee* concerning the written report and any order issued
32 pursuant to subsection ~~{2,}~~ *3* are in the interest of the public; and

33 (c) The findings of the ~~{Commissioner}~~ *Director or his or her*
34 *designee* are supported by the weight of the evidence,

35 ↪ the court shall issue an order enforcing the provisions of the order
36 of the ~~{Commissioner}~~.

37 ~~—6. Except as otherwise provided in NRS 598.0974, an}~~
38 *Director or his or her designee.*

39 *7.* An order issued pursuant to subsection ~~{5}~~ *6* may include:

40 (a) A provision requiring the payment to the ~~{Commissioner}~~
41 *Consumer Affairs Division of the Department of Business and*
42 *Industry* of a penalty of not more than \$5,000 for each act
43 amounting to a failure to comply with the ~~{Commissioner's}~~
44 *Director's or designee's* order; ~~{or}~~



1 (b) *An order that the person cease doing business within this*
2 *State; and*

3 (c) Such injunctive or other equitable or extraordinary relief as
4 is determined appropriate by the court.

5 ~~[7.]~~ 8. Any aggrieved party may appeal from the final
6 judgment, order or decree of the court in a like manner as provided
7 for appeals in civil cases.

8 ~~[8.]~~ 9. Upon the violation of any judgment, order or decree
9 issued pursuant to subsection ~~[5.]~~ 6 or ~~[6.]~~ 7, the Commissioner, after
10 a hearing thereon, may proceed in accordance with the provisions of
11 NRS 598.0999.

12 **Sec. 8.** NRS 598.0975 is hereby amended to read as follows:

13 598.0975 1. Except as otherwise provided in ~~[subsection]~~
14 *subsections 3 and 4* and in subsection 1 of NRS 598.0999, all fees,
15 civil penalties and any other money collected pursuant to the
16 provisions of NRS 598.0903 to 598.0999, inclusive:

17 (a) In an action brought by the Attorney General,
18 ~~[Commissioner or Director.]~~ must be deposited in the State General
19 Fund and may only be used to offset the costs of administering and
20 enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[]~~
21 *, by the Attorney General.*

22 (b) In an action brought by the district attorney of a county,
23 must be deposited with the county treasurer of that county and
24 accounted for separately in the county general fund.

25 2. Money in the account created pursuant to paragraph (b) of
26 subsection 1 must be used by the district attorney of the county for:

27 (a) The investigation and prosecution of deceptive trade
28 practices against elderly persons or persons with disabilities; and

29 (b) Programs for the education of consumers which are directed
30 toward elderly persons or persons with disabilities, law enforcement
31 officers, members of the judicial system, persons who provide social
32 services and the general public.

33 3. *In any matter in which, pursuant to NRS 598.0965, the*
34 *Attorney General obtains the assistance of the Consumer Affairs*
35 *Division of the Department of Business and Industry, one-third of*
36 *the proceeds of any administrative fines or penalties paid in that*
37 *matter must be delivered to the Consumer Affairs Division for*
38 *deposit in the revolving account for the Consumer Affairs Division*
39 *created pursuant to NRS 598.0966.*

40 4. The provisions of this section do not apply to:

41 (a) Criminal fines imposed pursuant to NRS 598.0903 to
42 598.0999, inclusive; or

43 (b) Restitution ordered pursuant to NRS 598.0903 to 598.0999,
44 inclusive, in an action brought by the Attorney General. Money
45 collected for restitution ordered in such an action must be deposited



1 by the Attorney General and credited to the appropriate account of
2 the ~~[Consumer Affairs Division of the Department of Business and~~
3 ~~Industry or the]~~ Attorney General for distribution to the person for
4 whom the restitution was ordered.

5 **Sec. 9.** NRS 598.0979 is hereby amended to read as follows:

6 598.0979 1. ~~[Notwithstanding the requirement of knowledge~~
7 ~~as an element of a deceptive trade practice, when the Commissioner~~
8 ~~or Director has cause to believe that a person has engaged or is~~
9 ~~engaging in any deceptive trade practice, knowingly or otherwise,~~
10 ~~he or she may request in writing that the Attorney General represent~~
11 ~~him or her in instituting an appropriate legal proceeding, including,~~
12 ~~without limitation, an application for an injunction or temporary~~
13 ~~restraining order prohibiting the person from continuing the~~
14 ~~practices. The court may make orders or judgments necessary to~~
15 ~~prevent the use by the person of any such deceptive trade practice or~~
16 ~~to restore to any other person any money or property which may~~
17 ~~have been acquired by the deceptive trade practice.~~

18 ~~—2. Where]~~ *In any action or proceeding*, the Commissioner or
19 Director ~~[has the authority to institute a civil action or other~~
20 ~~proceeding, in lieu thereof or as a part thereof, he or she]~~ may accept
21 an assurance of discontinuance of any deceptive trade practice ~~[]~~ *in*
22 *lieu of maintaining the action or proceeding*. This assurance may
23 include a stipulation for the payment by the alleged violator of:

24 (a) The costs of investigation and the costs of instituting the
25 action or proceeding ~~[]~~, *including attorney's fees for the services*
26 *of the Attorney General;*

27 (b) Any amount of money which he or she may be required to
28 pay pursuant to the provisions of NRS 598.0971 in lieu of any
29 administrative fine; and

30 (c) The restitution of any money or property acquired by any
31 deceptive trade practice.

32 ~~[] Except as otherwise provided in this subsection and NRS~~
33 ~~239.0115, any assurance of discontinuance accepted by the~~
34 ~~Commissioner or Director and any stipulation filed with the court is~~
35 ~~confidential to the parties to the action or proceeding and to the~~
36 ~~court and its employees. Upon final judgment by the court that an~~
37 ~~injunction or a temporary restraining order, issued as provided in~~
38 ~~subsection 1, has been violated, an assurance of discontinuance has~~
39 ~~been violated or a person has engaged in the same deceptive trade~~
40 ~~practice as had previously been enjoined, the assurance of~~
41 ~~discontinuance or stipulation becomes a public record. Proof by a~~
42 ~~preponderance of the evidence of a violation of an assurance~~
43 ~~constitutes prima facie evidence of a deceptive trade practice for the~~
44 ~~purpose of any civil action or proceeding brought thereafter by the~~



1 ~~Commissioner or Director, whether a new action or a subsequent~~
2 ~~motion or petition in any pending action or proceeding.]~~

3 2. *Any assurance of discontinuance accepted by the*
4 *Commissioner or Director pursuant to subsection 1 must be filed*
5 *with the court in the same manner as required by the Attorney*
6 *General pursuant to NRS 598.0995 and, upon acceptance by the*
7 *court, becomes an order of the court. An assurance of*
8 *discontinuance made pursuant to subsection 1 is not an admission*
9 *of guilt or liability for any purpose, except that any failure to*
10 *comply with the provisions of the assurance is enforceable in the*
11 *same manner as provided in subsection 7 of NRS 598.0971.*

12 **Sec. 10.** NRS 598.098 is hereby amended to read as follows:

13 598.098 1. ~~[NRS 598.0903 to 598.0999, inclusive, do not~~
14 ~~prohibit the] The Commissioner or Director [from disclosing to the~~
15 ~~Attorney General, any district attorney or any law enforcement~~
16 ~~officer the fact that a crime has been committed by any person, if~~
17 ~~this fact has become known as a result of any investigation~~
18 ~~conducted pursuant to the provisions of NRS 598.0903 to 598.0999,~~
19 ~~inclusive.] may, during the course of the investigation of any~~
20 ~~alleged violation of this chapter, obtain and use any intelligence,~~
21 ~~investigative information or other information obtained by or~~
22 ~~made available to the Commissioner or Director. Except as~~
23 ~~otherwise provided in subsections 2 and 3, any such intelligence or~~
24 ~~information received must remain confidential under the laws of~~
25 ~~this State until the Commissioner or Director obtains a final~~
26 ~~administrative order pursuant to NRS 598.0971 and is exempt~~
27 ~~from the provisions of NRS 239.010.~~

28 2. ~~[Subject to the provisions of subsection 2 of NRS 598.0979~~
29 ~~and except] Except as otherwise provided in [this section,]~~
30 ~~subsection 4, the Commissioner or Director may [not make public~~
31 ~~the name of any person alleged to have committed a deceptive trade~~
32 ~~practice. This subsection does not:~~

33 ~~—(a) Prevent the Commissioner or Director from issuing public~~
34 ~~statements describing or warning of any course of conduct which~~
35 ~~constitutes a deceptive trade practice.~~

36 ~~—(b) Apply to a person who is subject to an order issued pursuant~~
37 ~~to subsection 5 of NRS 598.0971.] cooperate with and coordinate~~
38 ~~the enforcement of the provisions of this chapter with the Attorney~~
39 ~~General, any state or local governmental agencies, officer of the~~
40 ~~Federal Government and the several states, including, without~~
41 ~~limitation, the sharing of information and evidence obtained in~~
42 ~~accordance with NRS 598.0967.~~

43 3. ~~[Upon request,] The provisions of subsections 1 and 2 do~~
44 ~~not prohibit the Commissioner [may:~~



1 ~~—(a) Disclose the number of written complaints received by the~~
2 ~~Commissioner during the current and immediately preceding 3~~
3 ~~fiscal years. A disclosure made pursuant to this paragraph must~~
4 ~~include the disposition of the complaint disclosed.~~

5 ~~—(b) Make public any order to cease and desist issued pursuant to~~
6 ~~subsection 5 of NRS 598.0971.~~

7 ~~↪ This subsection does not authorize the Commissioner to disclose~~
8 ~~or make public the contents of any complaint described in paragraph~~
9 ~~(a) or the record of or any other information concerning a hearing~~
10 ~~conducted in relation to the issuance of an order to cease and desist~~
11 ~~described in paragraph (b).] or Director from disclosing any~~
12 ~~intelligence or information received pursuant to subsection 1,~~
13 ~~including, without limitation, the address or telephone number of~~
14 ~~a business or organization.~~

15 4. ~~[The Commissioner may adopt regulations authorizing the~~
16 ~~disclosure of] If any information [concerning any complaint or~~
17 ~~number of complaints received by] sought pursuant to an~~
18 ~~investigation of an alleged violation of this chapter includes a~~
19 ~~trade secret, the Commissioner or Director [relating to a person who~~
20 ~~has been convicted of violating a provision of NRS 598.0903 to~~
21 ~~598.0999, inclusive.] shall enter into, and be bound by, an~~
22 ~~agreement regarding limitations on the disclosure of the~~
23 ~~information to protect the trade secret. Notwithstanding the~~
24 ~~provisions of this section, the Commissioner or Director shall not~~
25 ~~disclose that information in violation of the terms of the~~
26 ~~agreement. As used in this subsection, “trade secret” has the~~
27 ~~meaning ascribed to it in NRS 600A.030.~~

28 **Sec. 11.** NRS 598.099 is hereby amended to read as follows:

29 598.099 Whenever the district attorney or the Attorney General
30 has reason to believe that the delay caused by complying with the
31 notice requirement of NRS 598.0987 or the requirements of
32 subsection ~~[3]~~ 4 of NRS 598.0963 would cause immediate harm to
33 the public of this state or endanger the public welfare, he or she may
34 immediately institute an action for injunctive relief, including a
35 request for a temporary restraining order, upon proof of specific
36 facts shown by affidavit or by verified complaint or otherwise that
37 such immediate harm will be or is likely to be caused by the delay.
38 The Attorney General shall give written notice of the filing by the
39 Attorney General of such an action to the Commissioner or Director.
40 The Nevada Rules of Civil Procedure pertaining to the issuance of
41 temporary restraining orders govern all actions instituted pursuant to
42 this section.

43 **Sec. 12.** NRS 598.0995 is hereby amended to read as follows:

44 598.0995 1. In proceeding pursuant to subsection ~~[3]~~ 4 of
45 NRS 598.0963 or NRS 598.0987 to 598.0995, inclusive, the district



1 attorney or Attorney General may accept an assurance of
2 discontinuance with respect to any method, act or practice deemed
3 to be a deceptive trade practice from any person who is engaged or
4 is about to engage in the method, act or practice by following the
5 procedures set forth in ~~[subsection 2 of]~~ NRS 598.0979.

6 2. Any assurance made pursuant to subsection 1 must be in
7 writing and must be filed with and subject to the approval of the
8 district court in the county in which the alleged violator resides or
9 has his or her principal place of business, or the district court in any
10 county where any deceptive trade practice has occurred or is about
11 to occur or the district court agreed to by the parties.

12 3. An assurance of discontinuance made pursuant to
13 subsections 1 and 2 is not an admission of violation for any
14 purpose, but is subject to the terms, limitations and conditions of
15 NRS 598.0979.

16 **Sec. 13.** NRS 598.0999 is hereby amended to read as follows:

17 598.0999 1. ~~[Except as otherwise provided in NRS 598.0974,~~
18 ~~a person who violates a court order or injunction issued pursuant to~~
19 ~~the provisions of NRS 598.0903 to 598.0999, inclusive,]~~ *Upon a*
20 *finding of a violation based* upon a complaint brought by ~~[the~~
21 ~~Commissioner, the Director,]~~ the district attorney of any county of
22 this State or the Attorney General, *a violator* shall forfeit and pay to
23 the State General Fund a civil penalty of ~~[not more than]~~ \$10,000 *or*
24 *treble the amount of restitution ordered* ~~[]~~,
25 *whichever is greater.* For the purpose of this section, the court
26 issuing the order or injunction retains jurisdiction over the action or
27 proceeding. Such civil penalties are in addition to any other penalty
28 or remedy available for the enforcement of the provisions of NRS
29 598.0903 to 598.0999, inclusive.

30 2. ~~[Except as otherwise provided in NRS 598.0974, in any~~
31 ~~action brought pursuant to the provisions of NRS 598.0903 to~~
32 ~~598.0999, inclusive, if the court finds that a person has willfully~~
33 ~~engaged in a deceptive trade practice, the Commissioner, the~~
34 ~~Director, the district attorney of any county in this State or the~~
35 ~~Attorney General bringing the action may recover a civil penalty not~~
36 ~~to exceed \$5,000 for each violation. The]~~ *In any action brought*
37 *pursuant to this chapter, the* court in any such action may, in
38 addition to any other relief or reimbursement, *reimburse the State*
39 *for the costs of any investigation and* award reasonable attorney's
40 fees and costs.

41 3. ~~[A]~~ *Except as otherwise provided in subsection 4, a* natural
42 person, firm, or any officer or managing agent of any corporation or
43 association who knowingly and willfully engages in a deceptive
44 trade practice:

45 (a) For the first offense, is guilty of a misdemeanor.



1 (b) For the second offense, is guilty of a gross misdemeanor.

2 (c) For the third and all subsequent offenses, is guilty of a
3 category D felony and shall be punished as provided in
4 NRS 193.130.

5 ↪ The court may require the natural person, firm, or officer or
6 managing agent of the corporation or association to pay to the
7 aggrieved party damages on all profits derived from the knowing
8 and willful engagement in a deceptive trade practice and treble
9 damages on all damages suffered by reason of the deceptive trade
10 practice.

11 4. ~~Any offense which occurred within 10 years immediately~~
12 ~~preceding the date of the principal offense or after the principal~~
13 ~~offense constitutes a prior offense for the purposes of subsection 3~~
14 ~~when evidenced by a conviction, without regard to the sequence of~~
15 ~~the offenses and convictions.]~~ *If the Attorney General or the*
16 *district attorney of any county of this State files a criminal*
17 *complaint alleging that a violation of this chapter includes any*
18 *charges for theft or racketeering, the violation must be charged as*
19 *a category B felony.*

20 5. If a person violates any provision of NRS 598.0903 to
21 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305
22 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to
23 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply
24 with a judgment or order of any court in this State concerning a
25 violation of such a provision, or fails to comply with an assurance of
26 discontinuance or other agreement concerning an alleged violation
27 of such a provision, the Commissioner or the district attorney of any
28 county may bring an action in the name of the State of Nevada
29 seeking:

30 (a) The suspension of the person's privilege to conduct business
31 within this State; or

32 (b) If the defendant is a corporation, dissolution of the
33 corporation.

34 ↪ The court may grant or deny the relief sought or may order other
35 appropriate relief.

36 6. If a person violates any provision of NRS 228.500 to
37 228.640, inclusive, fails to comply with a judgment or order of any
38 court in this State concerning a violation of such a provision, or fails
39 to comply with an assurance of discontinuance or other agreement
40 concerning an alleged violation of such a provision, the Attorney
41 General may bring an action in the name of the State of Nevada
42 seeking:

43 (a) The suspension of the person's privilege to conduct business
44 within this State; or



1 (b) If the defendant is a corporation, dissolution of the
2 corporation.

3 ↪ The court may grant or deny the relief sought or may order other
4 appropriate relief.

5 **Sec. 14.** Chapter 232 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *1. From July 1, 2015, through June 30, 2017, for the*
8 *purposes of the provisions of NRS 598.0903 to 598.0999, inclusive,*
9 *any duty or authority conferred upon or any reference to the*
10 *Consumer Affairs Division of the Department of Business and*
11 *Industry shall be deemed to be the duty or authority of, or a*
12 *reference to, the Consumer Affairs Unit which is hereby created in*
13 *the Department of Business and Industry.*

14 *2. The Deputy Director of the Department of Business and*
15 *Industry shall serve as the Commissioner of Consumer Affairs*
16 *and Chief of the Consumer Affairs Unit.*

17 **Sec. 15.** Section 77 of chapter 475, Statutes of Nevada 2009,
18 at page 2732, is hereby amended to read as follows:

19 Sec. 77. 1. NRS 487.535, 487.568, 487.570, 487.602,
20 597.480, 597.490, 597.500, 597.510, 597.520, 597.530,
21 597.535, 597.540, 597.550, 597.560, 597.570, 597.5701,
22 597.5702, 597.5703, 597.5704, 597.5705, 597.5706, 597.580,
23 597.590, 598.971, 598.975, 598.981, 598.985 and 598.990
24 are hereby repealed.

25 2. NRS ~~598.0913, 598.0927, 598.0957, 598.0959,~~
26 ~~598.0965, 598.0966, 598.0967, 598.0971, 598.0979,~~
27 ~~598.098.]~~ 598.305, 598.307, 598.315, 598.317, 598.325,
28 598.335, 598.345, 598.356, 598.361, 598.365, 598.366,
29 598.367, 598.371, 598.372, 598.373, 598.374, 598.375,
30 598.385, 598.395, 598.405, 598.416, 598.425, 598.435,
31 598.445, 598.455, 598.465, 598.471, 598.485, 598.495,
32 598.506, 598.515, 598.525, 598.845, 598.851, 598.855,
33 598.860, 598.865, 598.915, 598.9407, 598.9413, 598.944,
34 598.946, 598C.030, 598C.180, 599B.015, 599B.080,
35 599B.090, 599B.100, 599B.105, 599B.110, 599B.115,
36 599B.120, 599B.125, 599B.130, 599B.140, 599B.143,
37 599B.145 and 599B.195 are hereby repealed.

38 **Sec. 16.** Section 80 of chapter 475, Statutes of Nevada 2009,
39 as last amended by chapter 250, Statutes of Nevada 2013, at page
40 1054, is hereby amended to read as follows:

41 Sec. 80. 1. This section and sections 1 to 35,
42 inclusive, 36 to 57, inclusive, and 58 to 79, inclusive, of this
43 act become effective on July 1, 2009.

44 2. The amendatory provisions of sections 3, 4, ~~[36 to]~~
45 ~~50,~~ 51, ~~[inclusive.]~~ 57, 58 to 75, inclusive, and subsection 2



1 of section 77 of this act expire by limitation on June 30,
2 ~~2015.~~ 2017.

3 3. Sections 35.1 to 35.95, inclusive, and 57.5 of this act
4 become effective on July 1, 2015.

5 *4. The amendatory provisions of sections 36 to 49,*
6 *inclusive, of this act expire by limitation on June 30, 2015.*

7 **Sec. 17.** 1. This section and sections 14, 15 and 16 of this act
8 become effective upon passage and approval.

9 2. Sections 1 to 13, inclusive, of this act become effective:

10 (a) Upon passage and approval for the purpose of adopting any
11 regulations and performing any other preparatory administrative
12 tasks necessary to carry out the provisions of this act; and

13 (b) On July 1, 2015, for all other purposes.

14 3. Section 14 of this act expires by limitation on June 30, 2017.

H

