

LCB File No. R087-01

**PROPOSED REGULATION OF THE
CONSUMER AFFAIRS DIVISION OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
and
NOTICE OF HEARING
for
THE INTENT TO ACT UPON A REGULATION
of the
CONSUMER AFFAIRS DIVISION OF THE
NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY
FOR AB 245 (TOUR BROKERS AND OPERATORS)**

The following information is provided pursuant to the requirement of NRS 233B.060:

WORKSHOP NOTICE: The Consumer Affairs Division of the Nevada Department of Business and Industry, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104, telephone number (702) 486-7355, is proposing regulations pertaining to Chapters 598 of the Nevada Administrative Code on Tour Brokers and Operators.

A workshop has been set for 9:00 am to 10:00 am on Wednesday, August 15, 2001, at the **Grant Sawyer Building, 555 East Washington Avenue, Suite 4401, Las Vegas, Nevada** and simultaneously video conferenced at the **State Legislative Building, 401 South Carson Street, Room 3143, Carson City, Nevada 89701**. The hearing may be viewed via the internet on Real Player by going to the following website: www.leg.state.nv.us, click on live meeting on the right side of the screen, click view and go to the Nevada Consumer Affairs Public Hearing. The purpose of the workshop is to solicit comments from interested persons on the proposed regulations to amend Chapter 598 of the NAC to add regulations necessary for the interpretation and enforcement of statutory amendments concerning Tour Brokers and Operators enacted during the 2001 legislative session in AB 245.

AUTHORITY: NRS 598.0967 (1)

ACTION: AB 245, Sections 1 through 16 **NAC REGULATION:** Chapter 598

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Consumer Affairs Division at 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada, telephone (702) 486-7370 or at the Consumer Affairs Division, 4600 Kietzke Lane, Building B, Suite 113, Reno, Nevada, 89502, telephone number (702) 688-1800. A reasonable fee for copying may be charged.

HEARING NOTICE:

The Consumer Affairs Division of the Nevada Department of Business and Industry, will hold a public hearing immediately following the above noted workshop on **Wednesday, August 15, 2001**, at the **Grant Sawyer Building, 555 East Washington Avenue, Suite 4401, Las Vegas, Nevada** and simultaneously video conferenced at the **State Legislative Building, 401 South Carson Street, Room 3143, Carson City, Nevada 89701**. The hearing may be viewed via the internet on Real Player by going to the following website: www.leg.state.nv.us, click on **live meeting** on the right side of the screen, click view and go to the Nevada Consumer Affairs Public Hearing. The hearing will conclude no later than 11:00 am on Wednesday, August 15, 2001.

The purpose of the hearing is to receive comments from all interested persons regarding proposed regulations necessary for the interpretation and enforcement of statutory amendments concerning tour brokers and tour operators enacted during the 2001 legislative session in accordance with AB 245.

The Proposed Regulations addresses the following subjects and issues:

1. Definition of key terms
2. Clarification of requirements for the clear and conspicuous display of Certificates of Registration and disclosures required in advertisements and invoices.
3. Annual registrations, bonding requirements and \$25 administrative fee.

If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Consumer Affairs Division may proceed immediately to act upon any written submissions.

- These regulations may have a direct economic effect on any business in the tour broker or tour operator industry or the public, due to the administrative fee and bonding requirement.
- Enforcement of these regulations should not result in any increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other state or local governmental agencies.
- These regulations will establish an administrative fee for all businesses who fall within the jurisdictional authority of the Consumer Affairs Division.

Persons wishing to comment upon the proposed action of the Consumer Affairs Division may appear at the scheduled public hearing or may address their comments, data, views or arguments in written form, to Patricia Jarman-Manning, Commissioner, Consumer Affairs Division, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104. **Written submissions must be**

received by the Consumer Affairs Division on or before August 06, 2001, attention Aline Shatto.

A copy of this notice and the regulations to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and amended will be available at the Consumer Affairs Division, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104 or at the Consumer Affairs Division, 4600 Kietzke Lane, Building B, Suite 113, Reno, Nevada 89502, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

LAS VEGAS:

Consumer Affairs Division
1850 East Sahara Avenue, Ste. 101
Las Vegas, Nevada 89104

Bradley Building
2501 East Sahara Avenue
Las Vegas, Nevada 89104

Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

RENO

Consumer Affairs Division
4600 Kietzke Lane
Building B, Suite 113
Reno, Nevada 89502

Washoe County Court House
75 Court Street
Reno, Nevada 89502

CARSON CITY

Nevada State Library
100 Stewart Street
Carson City, Nevada

All Nevada County Public Libraries
www.fyiconsumer.org

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Consumer Affairs Division, in writing, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104, attention Aline Shatto or call Aline Shatto at (702) 486-7370, on or before **August 06, 2001**.

NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
and
NOTICE OF HEARING
for
THE INTENT TO ACT UPON A REGULATION
of the
CONSUMER AFFAIRS DIVISION OF THE
NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY
FOR AB 627 (SELLERS OF TRAVEL)

The following information is provided pursuant to the requirement of NRS 233B.060:

WORKSHOP NOTICE: The Consumer Affairs Division of the Nevada Department of Business and Industry, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104, telephone number (702) 486-7355, is proposing regulations pertaining to Chapters 598 of the Nevada Administrative Code for Sellers of Travel.

A workshop has been set for 11:00 am to 1:00 pm on Wednesday, August 15, 2001, at the **Grant Sawyer Building, 555 East Washington Avenue, Suite 4401, Las Vegas, Nevada** and simultaneously video conferenced at the **State Legislative Building, 401 South Carson Street, Room 3143, Carson City, Nevada 89701**. The hearing may be viewed via the internet on Real Player by going to the following website: www.leg.state.nv.us, click on live meeting on the right side of the screen, click view and go to the Nevada Consumer Affairs Public Hearing. The purpose of the workshop is to solicit comments from interested persons on the proposed regulations to amend Chapter 598 of the NAC to add regulations necessary for the interpretation and enforcement of statutory amendments concerning sellers of travel enacted during the 2001 legislative session in AB 627.

AUTHORITY: NRS 598.0967 (1)

ACTION: AB 627, Sections 1 through 16 **NAC REGULATION:** Chapter 598

A copy of all materials relating to the proposed regulations is included with this announcement. Additional copies may be obtained at the workshop or by contacting the Consumer Affairs Division at 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada, telephone (702) 486-7370 or at the Consumer Affairs Division, 4600 Kietzke Lane, Building B, Suite 113, Reno, Nevada, 89502, telephone number (702) 688-1800. A reasonable fee for copying may be charged.

HEARING NOTICE: The Consumer Affairs Division of the Nevada Department of Business and Industry, will hold a public hearing at **2:00 pm, on Wednesday, August 15, 2001**, at the **Grant Sawyer Building, 555 East Washington Avenue, Suite 4401, Las Vegas, Nevada** and simultaneously video conferenced at the **State Legislative Building, 401 South Carson Street, Room 3143, Carson City,**

Nevada 89701. The hearing may be viewed via the internet on Real Player by going to the following website: www.leg.state.nv.us, click on **live meeting** on the right side of the screen, click view and go to the Nevada Consumer Affairs Public Hearing. The hearing will conclude no later than 5 pm on August 15, 2001.

The purpose of the hearing is to receive comments from all interested persons regarding proposed regulations necessary for the interpretation and enforcement of statutory amendments concerning sellers of travel enacted during the 2001 legislative session.

The Proposed Regulations addresses the following subjects and issues:

1. Definition of key terms
2. Clarification of exclusions from definition of seller of travel.
3. Clarification of exemptions from security requirement for sellers of travel.
4. Clarification of requirements for the clear and conspicuous display of Certificate of Registration.

If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Consumer Affairs Division may proceed immediately to act upon any written submissions.

- These regulations may have a direct economic effect on any business in the travel industry or the public due to the administrative fee and the bonding requirements.
- Enforcement of these regulations should not result in any increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other state or local governmental agencies.
- These regulations will establish an administrative fee for all businesses who fall within the jurisdictional authority of the Consumer Affairs Division.

Persons wishing to comment upon the proposed action of the Consumer Affairs Division may appear at the scheduled public hearing or may address their comments, data, views or arguments in written form, to Patricia Jarman-Manning, Commissioner, Consumer Affairs Division, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104. **Written submissions must be received by the Consumer Affairs Division on or before August 06, 2001, attention Aline Shatto.**

A copy of this notice and the regulations to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and amended will be available at the Consumer Affairs Division, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104 or at the Consumer Affairs Division, 4600 Kietzke Lane, Building B, Suite 113, Reno, Nevada 89502, and in all counties in which an office of the agency is not

maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been posted at the following locations:

LAS VEGAS:

Consumer Affairs Division
1850 East Sahara Avenue, Ste. 101
Las Vegas, Nevada 89104

Bradley Building
2501 East Sahara Avenue
Las Vegas, Nevada 89104

Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

RENO

Consumer Affairs Division
4600 Kietzke Lane
Building B, Suite 113
Reno, Nevada 89502

Washoe County Court House
75 Court Street
Reno, Nevada 89502

CARSON CITY

Nevada State Library
100 Stewart Street
Carson City, Nevada

All Nevada County Public Libraries
www.fyiconsumer.org

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Consumer Affairs Division, in writing, 1850 East Sahara Avenue, Suite 101, Las Vegas, Nevada 89104, attention Aline Shatto or call Aline Shatto at (702) 486-7370, on or before **August 06, 2001**.

LCB File No. R087-01

**PROPOSED REGULATION OF THE
CONSUMER AFFAIRS DIVISION OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

NEWLY PROPOSED REGULATIONS FOR PERMANENT ADOPTION

Chapter 598 of the NAC is hereby amended by adding thereto the provisions set forth as Sections 1 to 6, inclusive, of this regulation.

SELLERS OF TRAVEL, TOUR BROKERS AND TOUR OPERATORS

- Section 1.** *“Person” defined. “Person has the meaning ascribed to it in NRS 0.039.*
- Section 2.** *Registration with the division: application; fee; deposit of security; certificate of registration.*
- (a) *Each seller of travel, tour broker and tour operator regulated by the provisions of this chapter shall apply for registration on the form prescribed by the division.*
- (b) *At the time of application for registration, the applicant shall pay to the division an administrative fee of \$25 and deposit the required security.*
- (c) *Upon receipt of the security in the proper form and the payment of the administrative fee required by this section, the division shall issue a certificate of registration to the applicant. A certificate of registration is not transferable or assignable.*
- Section 3.** *Display of certificate of registration required. Each seller of travel, tour broker and tour operator shall display a certificate of registration issued by the division in his business in an area visible to the general public.*
- Section 4.** *Exclusions from definition of seller of travel.*
- (a) *The exclusion from the definition of seller of travel for a hotel that arranges travel services for its patrons or guests includes individuals employed by the hotel but does not include lessees, independent contractors or other non-employees.*

- (b) *The exclusion from the definition of seller of travel for a person who, for compensation, transports persons or property by air, land, rail or water applies only to persons whose business is confined to providing such transportation.*

Section 5. *Exemptions from security requirement for sellers of travel. The requirement that a seller of travel deposit with the division a bond, irrevocable letter of credit or certificate of deposit does not apply to:*

- (a) *Sellers of travel who submit to the division, in such form as the division prescribes, evidence of their city or county license to do business in the State of Nevada at a specific location for 2 years or longer.*
- (b) *Sellers of travel who submit to the division, in such form as the division prescribes, evidence of their status as an employee, agent or independent contractors of a seller of travel that is already in compliance with or otherwise exempt from the requirement to provide such security.*

Section 6. *Clear and conspicuous disclosures by tour brokers and tour operators. Tour brokers and tour operators required to provide certain disclosures and notices in a clear and conspicuous manner must:*

- (a) *Set forth the information bold type at least 2 points larger than the type used in the major portion of the document in which it appears.*
- (b) *For the required notice on a billing invoice or receipt given to a customer for a sightseeing tour, set forth the information in substantially the following form:*

STATE OF NEVADA

REGISTERED TOUR BROKER AND/OR TOUR OPERATOR

**THIS TOUR BROKER AND/OR TOUR OPERATOR IS REGISTERED WITH THE
NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, CONSUMER AFFAIRS
DIVISION**

**THIS TOUR BROKER AND/OR TOUR OPERATOR SHALL NOT CHARGE A
CUSTOMER IN NEVADA FOR A SIGHTSEEING TOUR (1) AN AMOUNT THAT
EXCEEDS THE SUM OF THE TOTAL PRICE ADVERTISED FOR THIS TOUR AND (2)
AN AMOUNT THAT EXCEEDS THE SUM OF ANY FEE OR TAX THAT IS NOT
INCLUDED IN THE TOTAL PRICE FOR THE SIGHTSEEING TOUR BECAUSE ITS
INCLUSION VIOLATES STATE OR FEDERAL STATUTE AND/OR REGULATION.**

**ANY COMPLAINTS CONCERNING CHARGES FOR THIS SIGHTSEEING TOUR MAY
BE DIRECTED TO:**

**THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION**

*1850 EAST SAHARA AVENUE, SUITE 101
LAS VEGAS, NEVADA 89104
IN CLARK COUNTY CALL: (702) 486-7355
ALL OTHER AREAS TOLL FREE: 1-800 326-5202*

Section 7. Public Comment.