

**ADOPTED REGULATION OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

LCB File No. R004-06

Effective May 4, 2006

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

AUTHORITY: §§1-5, NRS 426.257.

A REGULATION relating to persons with disabilities; establishing standards governing the use of signature stamps by persons with physical disabilities; authorizing certain persons and governmental entities to require a person who uses a signature stamp to prove his identity; providing the extent to which a person and governmental entity may incur liability related to the use of a signature stamp; and providing other matters properly relating thereto.

Section 1. Chapter 426 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, “signature stamp” has the meaning ascribed to it in NRS 426.257.*

Sec. 3. *A person shall not use a signature stamp unless the person is the owner of the signature stamp.*

Sec. 4. 1. *A person, government, governmental agency or political subdivision of a government may require a person who uses a signature stamp pursuant to NRS 426.257 to present photographic identification as proof of his identity to ensure that the person using the signature stamp is the owner of the signature stamp.*

2. *A person, government, governmental agency or political subdivision of a government that requires a person to present photographic identification pursuant to subsection 1 shall*

accept a driver's license, identification card, passport and any other documentation which contains a photograph of the person issued by a governmental entity which the person, government, governmental agency or political subdivision of a government deems to be satisfactory proof of a person's identity.

Sec. 5. 1. *Except as otherwise provided in subsections 2 and 3, the owner of a signature stamp is liable for any damages caused by the use of the signature stamp by a person other than the owner of the signature stamp.*

2. The owner of a signature stamp is not liable for damages caused by the use of the signature stamp by a person other than the owner of the signature stamp if the signature stamp was lost or stolen and the owner reported the loss or theft of the signature stamp to:

(a) The appropriate law enforcement agency;

(b) The financial institutions with which the owner of the signature stamp has accounts;

(c) The registrar of voters of the county in which the owner of the signature stamp resides or the county clerk of the county in which the owner of the signature stamp resides if the owner of the signature stamp resides in a county in which a registrar of voters has not been appointed pursuant to NRS 244.164; and

(d) The county recorder of the county in which the owner of the signature stamp resides, ↪ within 10 days after the date of discovery of the loss or theft.

3. A person, government, governmental agency or political subdivision of a government is liable for any damages caused by the use of a signature stamp by a person other than the owner of the signature stamp if the person, government, governmental agency or political subdivision of a government had an opportunity to verify, in person, the identity of the person who used the signature stamp and the person, government, governmental agency or political

subdivision of a government failed to verify the identity of the person who used the signature stamp.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R004-06

The Department of Health and Human Services adopted regulations assigned LCB File No. R004-06 which pertain to chapter 426 of the Nevada Administrative Code on March 10, 2006.

Notice date: 1/24/2006
Hearing date: 2/28/2006

Date of adoption by agency: 3/8/2006
Filing date: 5/4/2006

INFORMATIONAL STATEMENT

The following statement is submitted by the Department of Health and Human Services, Office of Disability Services (Office) pursuant to NRS 233B.066 for adopted additions to Chapter 426 of the Nevada Administrative Code.

A. NRS 233B.066(1)(a): A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.

On December 9, 2005, the Office filed and made public (via its Web site and other public locations) the text of its proposed temporary regulation, along with a formal **Notice of Workshops to Solicit Comments on Proposed Regulations**. A formal **Notice of Intent to Act Upon Regulations** specifying the hearing date of February 28, 2006 was issued on January 24, 2006. The **Notice** also provided a deadline of February 26, 2006, for submission of written comments to the Office. Finally, the **Notice** informed the public that any person was invited to provide testimony during the workshop and/or hearing on February 28, 2006. The hearing was held in both Carson City and Las Vegas via video-conference. Comments on the proposed regulation came from public and private sector agencies. With the exception of minor changes recommended by the Secretary of State's office, comments were very supportive of the regulations. See Section C, below, concerning specific comments.

B. NRS 233B.066(1)(b): The number of persons who (1) attended each hearing, (2) testified at each hearing, and (3) submitted to the agency written statements.

Eight people attended the hearing on this matter in both Carson City and Las Vegas. Five of the attendees gave testimony. No written comments were received by the Office.

C. NRS 233B.066(1)(c): A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Public Notice was issued in the major newspapers of Las Vegas, Reno and Carson City. Additionally, an E-mail list of interested parties was compiled, including representatives of the banking, mortgage and insurance industries, chambers of commerce, and others.

A representative of the Nevada Secretary of State's offices, and their Deputy Attorney General testified that they wished to withdraw language they previously recommended for inclusion in the regulation. The Office agrees that this language can be removed without affecting any other

entities. They also recommended that users of signature stamps be required to notify county clerks and registrars of voters, should their signature stamp be lost. The Office believes this is a prudent addition and does not impose an undue hardship on users of signature stamps. A representative of the Nevada Bankers Association testified in support of the signature stamp regulations, as did a representative of the Nevada Disability Advocacy and Law Center. The Department of Motor Vehicles attended the hearing, but did not testify.

Persons interested in viewing a summary of comments, or receiving a recording of the hearing, may contact the Office at 3656 Research Way, Suite 32, Carson City, NV 89706, (775) 687-4452.

D. NRS 233B.066(1)(d): If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.
Not applicable.

E. NRS 233B.066(1)(e): The estimated economic effect of the regulation on the business which it is to regulate and on the public, including (1) both the adverse and beneficial effects, and (2) both immediate and long-term effects.

There is minimal to no economic effect on the user of signature stamps, other than the actual cost of the stamp, and minimal to no economic effect on the businesses or persons accepting the stamp as a signature as the signature stamp is the facsimile of the individual's signature or mark. The use of the signature stamp is beneficial for a person with a disability as it allow the individual to be self-sufficient, and there are no adverse effects. Immediate effects will enable persons with disabilities to conduct their own financial and legal affairs. The long-term effect will be the same as the short term.

F. NRS 233B.066(1)(f): The estimated cost to the agency for enforcement of the Proposed regulations.

There will be no additional cost to the agency.

G. NRS 233B.066(1)(g): A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Office is not aware of any regulations of other state or governmental agencies, which this regulation overlaps or duplicates.

H. NRS 233B.066(1)(h): if the regulation includes provisions, which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
Not applicable.

I. NRS 233B.066(1)(i): If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee nor does it increase an existing fee.