

# PROPOSED REGULATION OF THE PRIVATE INVESTIGATOR'S LICENSING BOARD

## LCB File No. R047-12

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

### **NAC 648.260 Agents for corporations.** (NRS 648.030)

1. A person who holds a license may change his status to that of a qualifying agent for a corporate licensee without taking the written examination, if the transfer is within the same category of license. The Board ~~will not~~ *may* require an *updated* background investigation of any person ~~solely because of~~ *who has* a change in his status pursuant to this section. ~~if he:~~

*(a) The previous background was completed more than 18 months previous to the date of the change in licensing status;*

*(b) There have been any complaints filed against the applicant;*

*(c)*

2. If a person who is applying for a license for himself previously held a license in the same category and surrendered it to become a qualifying agent for a corporation, the Board ~~will not~~ *may* require an *updated* background investigation ~~if he has filed his application within 60 days after terminating his status as a qualifying agent.~~ *if he:*

*(a) The previous background was completed more than 18 months previous to the date of the change in licensing status;*

*(b) There have been any complaints filed against the applicant;*

*(c)*

### **NAC 648.280 Authorization of person licensed by another jurisdiction.** (NRS 648.030)

1. A private investigator, reposessor, private patrolman, polygraphic examiner or process server who:

(a) Has been licensed and is in good standing in another state or a territory of the United States;

(b) Has begun activities for a client in a particular case in that jurisdiction; and

(c) Needs to continue the activities of that case in Nevada,

may ~~apply~~ *submit an application, as outlined in the subsequent section,* to the ~~Chairman or Acting Chairman~~ *Executive Director* of the Board for authorization to work on that case in Nevada. A licensee of this Board in the appropriate category must agree with the applicant to supervise the applicant's work in this State and to obligate his insurance for protection against liability to third persons to cover the applicant's activities in this State.

2. The application must include:

(a) Evidence of the applicant's license and good standing in the other jurisdiction;

(b) A brief description of the type of work he intends to do in this State;

(c) An estimate of the time necessary to accomplish the work; ~~and~~

(d) A copy of a contract of employment between the applicant and a licensee of this Board in the appropriate category ~~;~~ *and*

*(e) Pay a fee to the Board of \$250.*

3. If the application is in order, the ~~[Chairman or Acting Chairman]~~ *Executive Director* may authorize the described work for an appropriate period.

4. In the absence of special circumstances, repeated applications made pursuant to this section constitute a cause for denial of the application.

*5. The Executive Director will provide a quarterly report to the Board with the number of applications approved.*

**NAC 648.336 Determination of who is “bona fide employee” for purposes of NRS 648.140.**  
(NRS 648.030, 648.140)

1. For the purposes of NRS 648.140, an employee of a licensee shall be deemed to be a “bona fide employee” if:

(a) The Board makes a determination *that the individual is subject to control by the person for whom the services are rendered as to the way the work is done;* ~~[that the employee is a bona fide employee in accordance with the criteria set forth in paragraph 10,416.052 of the Commerce Clearing House Unemployment Insurance Reports, which is hereby adopted by reference;]~~

(b) The wages paid to the employee by the licensee are subject to the Federal Insurance Contributions Act, 26 U.S.C. §§ 3101 et seq., and the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 et seq.; and

(c) The licensee is required to file reports with the Employment Security Division of the Department of Employment, Training and Rehabilitation and its insurer who provides industrial insurance concerning the payment of compensation to the employee. As used in this paragraph, “insurer” has the meaning ascribed to it in NRS 616A.270.

~~[2. A copy of paragraph 10,416.052 of the Commerce Clearing House Unemployment Insurance Reports may be obtained from the Private Investigator’s Licensing Board, Office of the Attorney General, Capitol Complex, Carson City, Nevada 89710, for the price of \$2, plus postage.]~~

**NAC 648.340 Registration Fee**

~~[NAC 648.340 Registration fee. (NRS 648.030, 648.140) Each licensee shall pay a registration fee of \$8.50 for each of his unlicensed employees, except clerical employees.]~~

**NAC 648.341 Examination: Administration; passing score; exemptions; certification in quarterly report.** (NRS 648.030, 648.140)

~~[1.]~~ As a condition of registration of an unlicensed employee pursuant to NRS 648.140, a private patrolman or security guard who is licensed by the Board must:

(a) Administer an examination provided by the Board;

*(b) Verify that the unlicensed person has taken an examination administered by the Board as part of the on-line application process or paper submission; or*

*(c) Verify that the unlicensed person has taken an examination administered by another licensee*

*and certify that the unlicensed person has* passed with a score of 100 percent *within the immediately preceding 60 months* before the licensee employs any unlicensed person unless the unlicensed person: *(a) [H]is a clerical employee;* ~~or~~

~~(b) Has passed an examination administered by another licensee within the immediately preceding 60 months with a score of 100 percent.~~

~~2. In the quarterly report required pursuant to NRS 648.140, a private patrolman or security guard who is licensed by the Board shall certify that each unlicensed employee, except a clerical employee, has passed the examination required by subsection 1 within the immediately preceding 60 months with a score of 100 percent.]~~

**NAC 648.342 Examination: Scope.** (NRS 648.030, 648.140) The examination provided by the Board and administered by the licensee must be designed to ensure that each registered employee has a familiarity with and a thorough understanding of core topics, and must include, without limitation:

1. Recognizing noncompliance with specific laws, including, without limitation, NRS 171.126, 199.310, 199.430, 207.200, 648.013, 648.016, subsection 5 of NRS 648.030, NRS 648.060, 648.063, subsections 1, 2 and 3 of NRS 648.140, NRS 648.160, 648.200 and 648.203;
2. Recognizing noncompliance with specific regulations, including, without limitation, subsection 3 of NAC 648.334, NAC 648.338 and subsection 5 of NAC 648.431;
3. General rights of citizens;
4. Powers of arrest; and
5. Limits of authority.

**NAC 648.343 Completion and submission of forms provided by Board; records of licensee; proof that employee passed examination.** (NRS 648.030, 648.140)

1. A private patrolman or security guard licensed by the Board shall *administer the Security Guard Exam* ~~[complete each form]~~ provided by the Board, for each unlicensed employee, except a clerical employee, ~~[At least one of those forms must be a form for registering the unlicensed employee, and another must contain including the results of the examination once the Board has authorized the potential employee with provisional status, The licensee shall distribute a copy of the form for registering register the unlicensed employee to his license through the on-line system]~~ within 10 days after the date of employment *and after the licensee has registered the unlicensed employee, to the correct license number, through the online system. The licensee shall then record the date of the exam within the unlicensed employee's online no more than 5 business days after the date of the exam.*

2. The licensee shall keep a copy of each form provided pursuant to subsection 1 and the original results of the examination on file for 60 months after the date of the examination. The Board may audit the records of the licensee. The licensee shall ~~[submit a copy of the form for registering the unlicensed employee to update]~~ *notify* the Board, *through the on-line system*, within 10 days after the licensee terminates the employment of any unlicensed employee ~~[, except a clerical employee].~~

3. As proof that an unlicensed employee has passed the examination with a score of 100 percent, a licensee may ~~[accept a card issued for that purpose by the Board to the unlicensed employee which contains the results of the examination administered by another licensee within the immediately preceding 60 months]~~ *verify the last date of exam through the Board's online record at anytime, or may verify proof of exam on the unlicensed employee's Registration Work Card issued by the Board.*

**NAC 648.360 Approved Instruments** (NRS 648.030, 648.105) The following types of analog or computerized polygraphic instruments (produced by the following manufacturers), when adjusted properly, are approved for use in conducting polygraphic examinations:

1. ~~[The Keeler Polygraph] (The Lafayette Instrument Company);~~
2. ~~[The Associated Research Polygraph] (The Stoelting Company);~~
3. ~~[The “Pentograph,” “Statesman,” “Diplomat,” Ambassador,” Factfinder,” “Factfinder H,” “Courier H,” “LX3000,” “LX 4000,” “and any other models of polygraphic instruments produced by the Lafayette Instrument Company] (Axciton Systems);~~
4. ~~[The “Deceptograph,” “Interrograph,” “Executive,” “Emotional Stress Monitor,” “Polyscribe,” “Executive Polyscribe,” “Ultrascribe,” “CPS II” and any other models of polygraphic instruments produced by the Stoelting Company] (Limestone Technologies Inc).~~
5. ~~The “Sensor Box” and any other models of polygraphic instruments produced by Axciton Systems, Inc.;~~
6. ~~The “DataPac\_USB” and any other models of polygraphic Instruments produced by produced by Limestone Technologies, Inc.]~~

**NAC 648.365 Standards of accuracy and reliability of instruments.** (NRS 648.030, 648.185)

1. Each polygraphic instrument must meet the ~~[following]~~ minimum standards of accuracy and reliability *as established by the instrument’s manufacturer*~~[-]~~.

~~[(a) Components of polygraphic instruments used to record respiration must, when the system is closed, be capable of:~~

- ~~(1) Consistently producing a range of movement of the recording pen of not less than 1 inch nor more than 1 1/2 inches when the pneumograph is extended 1/4 inch; and~~
- ~~(2) Showing no perceptible loss of pressure during a period of 3 minutes.~~

~~(b) Components of polygraphic instruments used to record cardiovascular activity must, when closed and pressurized to 90 millimeters of mercury, be capable of:~~

- ~~(1) Consistently producing a range of movement of the recording pen of not less than 1 inch nor more than 1 1/2 inches when the pressure in the system is increased 2 millimeters of mercury; and~~
- ~~(2) Showing a loss of pressure of not more than 1 millimeter of mercury during a period of 3 minutes.~~

~~(c) Components of polygraphic instruments used to record changes in skin resistance shall, when in the “manual mode,” be capable of consistently producing a range of movement of the recording pen of not less than 1 inch when 1,000 ohm is introduced into the circuit and the component is set at maximum sensitivity, or when 5,000 ohm is introduced into the circuit and the component is set at 25 percent of maximum sensitivity.]~~

*2. A polygraphic examiner shall verify that a polygraphic instrument meets these standards at least once during each 30 days the instrument is in use and shall maintain a record of that verification.*

**648.375 NAC Interns: Phases of supervision; responsibility of supervising examiner.** (NRS 648.030)

1. An internship in polygraphic examination consists of the following phases of supervision:

(a) During the first ~~[3 months]~~ *25 examinations conducted by the intern, [of the internship,]* the supervising examiner shall directly and personally supervise and review all polygraphic activities of the intern.

(b) During the ~~fourth to the sixth month, inclusive,~~ *remainder* of the internship, the supervising examiner shall directly and personally supervise and review the polygraphic activities of the intern at least once a week.

~~[(c) During the seventh to the twelfth month, inclusive, of the internship, the supervising examiner shall directly and personally supervise and review the polygraphic activities of the intern at least once every 2 weeks.~~

~~(d) During the remainder of the internship, the supervising examiner shall review and supervise the polygraphic activities of the intern to the extent that supervision and review are appropriate.~~

~~2. In addition to fulfilling the requirements set forth in subsection 1, the supervising examiner shall directly and personally supervise all the intern's polygraphic activities until the intern has successfully completed at least 25 polygraphic examinations.]~~

2. ~~[3.]~~ During the entire period of the internship, the supervising examiner is responsible for all the polygraph activities of the intern.

#### **NAC 648.520 Operation of business in absence of licensee. (NRS 648.030)**

1. If the *qualifying agent* ~~[person]~~ who is affiliated with a corporation and who possesses the qualifications required for the license issued to the corporation dies, becomes disabled, or ceases to be affiliated with the corporation, ~~[or is absent from the State for more than 30 consecutive days,]~~ the corporation may continue to conduct its operations, but not for more than 120 days. If after 120 days the corporation has not affiliated with another qualified person, it shall cease to do business. For the purposes of this subsection, a person licensed as a qualified agent of a corporation ceases to be affiliated with it when he is no longer fulfilling his obligations under a contract which has been made between him and the corporation and approved pursuant to NAC 648.250.

2. If the corporation has affiliated with another qualified person, it may continue to do business until the next regularly scheduled meeting of the Board, at which meeting the Board will approve or disapprove the affiliation of the qualified person with the corporation. *If the newly qualified person cannot be approved within the 120 days, the Board will consider granting an extension to the next regularly scheduled meeting.* If the Board does not approve the affiliation of the person, it may permit the corporation more time in which to affiliate with another qualified person who holds a license from the Board. The additional time may not extend beyond the next regularly scheduled meeting of the Board.