

ASSEMBLY BILL NO. 306—ASSEMBLYMEN HORNE; BUSTAMANTE
ADAMS, CARRILLO, COHEN, FRIERSON, HICKEY, MARTIN,
MUNFORD AND SPRINKLE

MARCH 15, 2013

JOINT SPONSORS: SENATORS SEGERBLOM; AND ATKINSON

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to private investigators
and related professions. (BDR 54-677)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: No.

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

AN ACT relating to certain regulated professions; revising the
definition of “private investigator”; exempting certain
activities from the applicability of provisions of existing
law governing private investigators and related
professions; revising provisions governing employees of
certain licensees; requiring certain licensees to maintain a
principal place of business in this State; providing a
penalty; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill revises the definition of the term “private investigator” to
2 include certain activities relating to investigations into computerized data not
3 available to the public and certain crimes and torts. **Section 2** of this bill revises the
4 applicability of provisions governing private investigators and related professions
5 to exempt from the requirements for licensure certain persons who perform
6 maintenance or repair of computers under certain circumstances.

7 **Section 6** of this bill requires a person licensed to engage in the business of a
8 private investigator, private patrol officer, process server, reposessor, dog handler,
9 security consultant, or polygraphic examiner or intern to maintain a principal place
10 of business in this State. **Section 5** of this bill requires that a licensee post his or her
11 license in a conspicuous place in the licensee’s principal place of business in this



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12 State. **Section 4** of this bill requires a licensee to: (1) ensure that every registered
13 person employed in this State by the licensee is supervised by a licensee who is
14 physically located in this State; and (2) maintain at a location in this State records
15 relating to employment, compensation, licensure and registration of employees.

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

1 **Section 1.** NRS 648.012 is hereby amended to read as follows:

2 648.012 "Private investigator" means any person who for any
3 consideration engages in business or accepts employment to furnish,
4 or agrees to make or makes any investigation for the purpose of
5 obtaining, *including, without limitation, through the review,*
6 *analysis and investigation of computerized data not available to*
7 *the public,* information with reference to:

8 1. The identity, habits, conduct, business, occupation, honesty,
9 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,
10 activity, movement, whereabouts, affiliations, associations,
11 transactions, acts, reputation or character of any person;

12 2. The location, disposition or recovery of lost or stolen
13 property;

14 3. The cause or responsibility for fires, libels, losses, accidents
15 or damage or injury to persons or to property;

16 4. *A crime or tort that has been committed, attempted,*
17 *threatened or suspected, except an expert witness or a consultant*
18 *who is retained for litigation or a trial, or in anticipation of*
19 *litigation or a trial, and who performs duties and tasks within his*
20 *or her field of expertise that are necessary to form his or her*
21 *opinion;*

22 5. Securing evidence to be used before any court, board, officer
23 or investigating committee; or

24 ~~5.~~ 6. The prevention, detection and removal of
25 surreptitiously installed devices for eavesdropping or observation.

26 **Sec. 2.** NRS 648.018 is hereby amended to read as follows:

27 648.018 Except as to polygraphic examiners and interns, this
28 chapter does not apply:

29 1. To any detective or officer belonging to the law enforcement
30 agencies of the State of Nevada or the United States, or of any
31 county or city of the State of Nevada, while the detective or officer
32 is engaged in the performance of his or her official duties.

33 2. To special police officers appointed by the police
34 department of any city, county, or city and county within the State
35 of Nevada while the officer is engaged in the performance of his or
36 her official duties.



1 3. To insurance adjusters and their associate adjusters licensed
2 pursuant to the Nevada Insurance Adjusters Law who are not
3 otherwise engaged in the business of private investigators.

4 4. To any private investigator, private patrol officer, process
5 server, dog handler or security consultant employed by an employer
6 regularly in connection with the affairs of that employer if a bona
7 fide employer-employee relationship exists, except as otherwise
8 provided in NRS 648.060, 648.140 and 648.203.

9 5. To a reposessor employed exclusively by one employer
10 regularly in connection with the affairs of that employer if a bona
11 fide employer-employee relationship exists, except as otherwise
12 provided in NRS 648.060, 648.140 and 648.203.

13 6. To a person engaged exclusively in the business of obtaining
14 and furnishing information as to the financial rating of persons.

15 7. To a charitable philanthropic society or association
16 incorporated under the laws of this State which is organized and
17 maintained for the public good and not for private profit.

18 8. To an attorney at law in performing his or her duties as such.

19 9. To a collection agency unless engaged in business as a
20 reposessor, licensed by the Commissioner of Financial Institutions,
21 or an employee thereof while acting within the scope of his or her
22 employment while making an investigation incidental to the
23 business of the agency, including an investigation of the location of
24 a debtor or his or her assets and of property which the client has an
25 interest in or lien upon.

26 10. To admitted insurers and agents and insurance brokers
27 licensed by the State, performing duties in connection with
28 insurance transacted by them.

29 11. To any bank organized pursuant to the laws of this State or
30 to any national bank engaged in banking in this State.

31 12. To any person employed to administer a program of
32 supervision for persons who are serving terms of residential
33 confinement.

34 13. To any commercial registered agent, as defined in NRS
35 77.040, who obtains copies of, examines or extracts information
36 from public records maintained by any foreign, federal, state or
37 local government, or any agency or political subdivision of any
38 foreign, federal, state or local government.

39 14. To any holder of a certificate of certified public accountant
40 issued by the Nevada State Board of Accountancy pursuant to
41 chapter 628 of NRS while performing his or her duties pursuant to
42 the certificate.

43 *15. To a person performing the repair or maintenance of a*
44 *computer who performs a review or analysis of data contained on*
45 *a computer solely for the purposes of diagnosing a computer*



1 *hardware or software problem and who is not otherwise engaged*
2 *in the business of a private investigator.*

3 **Sec. 3.** NRS 648.080 is hereby amended to read as follows:

4 648.080 Every application for a license must contain:

5 1. A detailed statement of the applicant's personal history on
6 the form specified by the Board. If the applicant is a corporation, the
7 application must include such a statement concerning each officer
8 and director.

9 2. A statement of the applicant's financial condition on the
10 form specified by the Board. If the applicant is a corporation, the
11 application must include such a statement concerning each officer
12 and director.

13 3. ~~{A specific description of the location}~~ *The complete*
14 *address* of the principal place of business of the applicant ~~{, the}~~ *in*
15 *this State and of each branch office or other place of business of*
16 *the applicant in this State.*

17 4. *The business or businesses* in which the applicant intends to
18 engage and the category *or categories* of license he or she desires.

19 ~~{4}~~ 5. A complete set of fingerprints which the Board may
20 forward to the Central Repository for Nevada Records of Criminal
21 History for submission to the Federal Bureau of Investigation for its
22 report.

23 ~~{5}~~ 6. A recent photograph of the applicant or, if the applicant
24 is a corporation, of each officer and director.

25 ~~{6}~~ 7. Evidence supporting the qualifications of the applicant
26 in meeting the requirements for the license for which he or she is
27 applying.

28 ~~{7}~~ 8. If the applicant is not a natural person, the full name
29 and residence address of each of its partners, officers, directors and
30 manager, and a certificate of filing of a fictitious name.

31 ~~{8}~~ 9. Such other facts as may be required by the Board to
32 show the good character, competency and integrity of each
33 signatory.

34 **Sec. 4.** NRS 648.140 is hereby amended to read as follows:

35 648.140 1. Any license obtained pursuant to the provisions of
36 this chapter gives the licensee or any bona fide employee of the
37 licensee authority to engage in the type of business for which he or
38 she is licensed in any county or city in the State of Nevada. A
39 county or city shall not enact ordinances regulating persons licensed
40 pursuant to this chapter, except general business regulations
41 designed to raise revenue or assure compliance with building codes
42 and ordinances or regulations concerning zoning and safety from
43 fire.

44 2. Except for polygraphic examiners and interns, a licensee
45 may employ, in connection with his or her business, as many



1 persons registered pursuant to this chapter as may be necessary, but
2 at all times every licensee ~~is~~ :

3 *(a) Shall ensure that each registered person employed in this*
4 *State by the licensee is supervised by a licensee who is physically*
5 *present in this State; and*

6 *(b) Is* accountable for the good conduct of every person
7 employed by the licensee in connection with his or her business.

8 3. Each licensee shall ~~furnish~~ :

9 *(a) Maintain at a location within this State records relating to*
10 *the employment, compensation, licensure and registration of*
11 *employees;*

12 *(b) Furnish* the Board with the information requested by it
13 concerning all employees registered pursuant to this chapter, except
14 clerical personnel ; ~~it~~ and ~~shall notify~~

15 *(c) Notify* the Board within 3 days after such employees begin
16 their employment.

17 **Sec. 5.** NRS 648.142 is hereby amended to read as follows:

18 648.142 1. The license, when issued, shall be in such form as
19 may be determined by the Board and shall include:

20 (a) The name of the licensee.

21 (b) The name under which the licensee is to operate.

22 (c) The number and date of the license.

23 (d) The expiration date of the license.

24 (e) If the licensee is a corporation, the name of the person or
25 persons affiliated with the corporation on the basis of whose
26 qualifications such license is issued.

27 (f) The classification or classifications of work which the license
28 authorizes.

29 2. The license shall at all times be posted in a conspicuous
30 place in the *licensee's* principal place of business ~~of the licensee.~~
31 *in this State.*

32 3. Upon the issuance of a license, a pocket card of such size,
33 design and content as may be determined by the Board shall be
34 issued without charge to each licensee, if an individual, or if the
35 licensee is a person other than an individual, to its manager and to
36 each of its officers, directors and partners, which card shall be
37 evidence that the licensee is duly licensed pursuant to this chapter.
38 When any person to whom a card is issued terminates his or her
39 position, office or association with the licensee, the card shall be
40 surrendered to the licensee and within 5 days thereafter shall be
41 mailed or delivered by the licensee to the Board for cancellation.

42 4. A licensee shall, within 30 days after such change, notify the
43 Board of any and all changes of his or her address, of the name
44 under which the licensee does business, and of any change in its
45 officers, directors or partners.



1 5. A license issued under this chapter is not assignable.
2 **Sec. 6.** NRS 648.148 is hereby amended to read as follows:
3 648.148 1. Each licensee shall ~~file~~ :
4 (a) *Maintain a principal place of business in this State; and*
5 (b) *File* with the Board the complete address of his or her
6 principal place of business *in this State*, including the name and
7 number of the street, or, if the street where the business is located is
8 not numbered, the number of the post office box. The Board may
9 require the filing of other information for the purpose of identifying
10 such principal place of business.
11 2. Every advertisement by a licensee soliciting or advertising
12 business shall contain the licensee's name and ~~address~~ *the number*
13 *of the licensee's license* as they appear in the records of the Board.

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