

SENATE BILL NO. 311—SENATOR SETTELMEYER

MARCH 17, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes permanent the repeal of certain provisions relating to sellers of travel. (BDR 52-90)

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

~

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

AN ACT relating to sellers of travel; making permanent the repeal of provisions requiring certain sellers of travel to register and deposit security with the Consumer Affairs Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The 75th Session of the Nevada Legislature temporarily repealed the
2 requirement that certain sellers of travel register and deposit security with the
3 Consumer Affairs Division of the Department of Business and Industry. (Section
4 77 of chapter 475, Statutes of Nevada 2009, p. 2732) Existing law provides for such
5 provisions to become effective July 1, 2017. (Section 16 of chapter 528, Statutes of
6 Nevada 2015, p. 3653) This bill provides that such provisions are permanently
7 repealed.

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

1 **Section 1.** NRS 598.0999 is hereby amended to read as
2 follows:

3 598.0999 1. Except as otherwise provided in NRS 598.0974,
4 a person who violates a court order or injunction issued pursuant to
5 the provisions of NRS 598.0903 to 598.0999, inclusive, upon a
6 complaint brought by the Commissioner, the Director, the district
7 attorney of any county of this State or the Attorney General shall
8 forfeit and pay to the State General Fund a civil penalty of not more
9 than \$10,000 for each violation. For the purpose of this section, the



* S B 3 1 1 *

1 court issuing the order or injunction retains jurisdiction over the
2 action or proceeding. Such civil penalties are in addition to any
3 other penalty or remedy available for the enforcement of the
4 provisions of NRS 598.0903 to 598.0999, inclusive.

5 2. Except as otherwise provided in NRS 598.0974, in any
6 action brought pursuant to the provisions of NRS 598.0903 to
7 598.0999, inclusive, if the court finds that a person has willfully
8 engaged in a deceptive trade practice, the Commissioner, the
9 Director, the district attorney of any county in this State or the
10 Attorney General bringing the action may recover a civil penalty not
11 to exceed \$5,000 for each violation. The court in any such action
12 may, in addition to any other relief or reimbursement, award
13 reasonable attorney's fees and costs.

14 3. A natural person, firm, or any officer or managing agent of
15 any corporation or association who knowingly and willfully engages
16 in a deceptive trade practice:

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

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

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

22 ➤ The court may require the natural person, firm, or officer or
23 managing agent of the corporation or association to pay to the
24 aggrieved party damages on all profits derived from the knowing
25 and willful engagement in a deceptive trade practice and treble
26 damages on all damages suffered by reason of the deceptive trade
27 practice.

28 4. Any offense which occurred within 10 years immediately
29 preceding the date of the principal offense or after the principal
30 offense constitutes a prior offense for the purposes of subsection 3
31 when evidenced by a conviction, without regard to the sequence of
32 the offenses and convictions.

33 5. If a person violates any provision of NRS 598.0903
34 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, ~~598.305 to~~
35 ~~598.395, inclusive,~~ 598.405 to 598.525, inclusive, 598.741 to
36 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply
37 with a judgment or order of any court in this State concerning a
38 violation of such a provision, or fails to comply with an assurance of
39 discontinuance or other agreement concerning an alleged violation
40 of such a provision, the Commissioner or the district attorney of any
41 county 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 6. If a person violates any provision of NRS 228.500 to
6 228.640, inclusive, fails to comply with a judgment or order of any
7 court in this State concerning a violation of such a provision, or fails
8 to comply with an assurance of discontinuance or other agreement
9 concerning an alleged violation of such a provision, the Attorney
10 General may bring an action in the name of the State of Nevada
11 seeking:

12 (a) The suspension of the person’s privilege to conduct business
13 within this State; or

14 (b) If the defendant is a corporation, dissolution of the
15 corporation.

16 ➔ The court may grant or deny the relief sought or may order other
17 appropriate relief.

18 **Sec. 2.** Section 77 of chapter 475, Statutes of Nevada 2009, as
19 amended by chapter 528, Statutes of Nevada 2015, at page 3652, is
20 hereby amended to read as follows:

21 Sec. 77. 1. NRS 487.535, 487.568, 487.570, 487.602,
22 597.480, 597.490, 597.500, 597.510, 597.520, 597.530,
23 597.535, 597.540, 597.550, 597.560, 597.570, 597.5701,
24 597.5702, 597.5703, 597.5704, 597.5705, 597.5706, 597.580,
25 597.590, **598.305, 598.307, 598.315, 598.317, 598.325,**
26 **598.335, 598.345, 598.356, 598.361, 598.365, 598.366,**
27 **598.367, 598.371, 598.372, 598.373, 598.374, 598.375,**
28 **598.385, 598.395,** 598.971, 598.975, 598.981, 598.985 and
29 598.990 are hereby repealed.

30 2. NRS ~~598.305, 598.307, 598.315, 598.317, 598.325,~~
31 ~~598.335, 598.345, 598.356, 598.361, 598.365, 598.366,~~
32 ~~598.367, 598.371, 598.372, 598.373, 598.374, 598.375,~~
33 ~~598.385, 598.395,~~ 598.405, 598.416, 598.425, 598.435,
34 598.445, 598.455, 598.465, 598.471, 598.485, 598.495,
35 598.506, 598.515, 598.525, 598.845, 598.851, 598.855,
36 598.860, 598.865, 598.915, 598.9407, 598.9413, 598.944,
37 598.946, 598C.030, 598C.180, 599B.015, 599B.080,
38 599B.090, 599B.100, 599B.105, 599B.110, 599B.115,
39 599B.120, 599B.125, 599B.130, 599B.140, 599B.143,
40 599B.145 and 599B.195 are hereby repealed.

41 **Sec. 3.** This act becomes effective upon passage and approval.

