

SENATE BILL NO. 399—SENATORS SETTELMAYER, FORD, ROBERSON; ATKINSON, CANCELA, CANNIZZARO, FARLEY, GANSERT, GOICOECHEA, HAMMOND, HARRIS, KIECKHEFER, MANENDO, PARKS AND SEGERBLOM

MARCH 20, 2017

JOINT SPONSOR: ASSEMBLYMAN HANSEN

Referred to Committee on Government Affairs

SUMMARY—Provides for the acceptance of a tribal identification card in certain circumstances. (BDR 18-78)

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 the identification of persons; authorizing the use of a tribal identification card for various purposes; requiring a business that accepts a driver's license for the purpose of identification to also accept a tribal identification card for that purpose unless otherwise provided by federal law or regulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes state and local governmental entities to accept a
2 consular identification card for the purpose of identifying a person under certain
3 circumstances. (NRS 232.006, 237.200) **Sections 1 and 7** of this bill similarly
4 authorize state and local governmental entities to accept a tribal identification card
5 issued by a tribal government for the purpose of identifying a person if the tribal
6 identification card meets certain requirements. **Section 10** of this bill prohibits a
7 business that accepts a driver's license or identification card issued by the
8 Department of Motor Vehicles for the purpose of identifying a person from
9 refusing to accept a tribal identification card for the same purpose unless the
10 business reasonably believes that federal law or regulation requires the use of a
11 different form of identification. **Sections 2-6, 8, 9 and 11-14** of this bill revise
12 various provisions of existing law to provide for the use of a tribal identification
13 card as proof of identity.



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

1 **Section 1.** NRS 232.006 is hereby amended to read as follows:
2 232.006 1. Except as otherwise provided in subsection 2 and
3 NRS 483.290, 483.860 and 486.081, with respect to any activity or
4 transaction in which a state agency accepts an identification card
5 issued by the Department of Motor Vehicles to identify a person, the
6 state agency may also accept a consular identification card *or tribal*
7 *identification card* to identify a person.

8 2. The provisions of subsection 1 apply only to the presentation
9 of a consular identification card *or tribal identification card* for
10 purposes of identification and do not convey an independent right to
11 receive benefits of any type.

12 3. *To be accepted pursuant to subsection 1 to identify a*
13 *person, an identification card issued by a tribal government must*
14 *contain:*

15 (a) *The full legal name of the holder of the card;*

16 (b) *The date of birth of the holder of the card;*

17 (c) *A unique number assigned to the holder of the card;*

18 (d) *A digital photograph of the full face of the holder of the*
19 *card;*

20 (e) *The address of the principal residence of the holder of the*
21 *card;*

22 (f) *A physical description of the holder of the card, including,*
23 *without limitation, the height, weight, hair color and eye color of*
24 *the holder of the card;*

25 (g) *The usual signature of the holder of the card;*

26 (h) *The date on which the card is issued; and*

27 (i) *A reference to the tribal government which issued the card.*

28 4. As used in this section:

29 (a) "Consular identification card" means an identification card
30 issued by a consulate of a foreign government, which consulate is
31 located within the State of Nevada.

32 (b) "Identification card issued by the Department of Motor
33 Vehicles" means an identification card of the type described in NRS
34 483.810 to 483.890, inclusive.

35 (c) "State agency" means every public agency, bureau, board,
36 commission, department or division of the Executive Department of
37 State Government.

38 (d) *"Tribal government" has the meaning ascribed to it in*
39 *NRS 239C.105.*

40 (e) *"Tribal identification card" means an identification card*
41 *issued by a tribal government which satisfies the requirements of*
42 *subsection 3.*



1 **Sec. 2.** NRS 97A.142 is hereby amended to read as follows:

2 97A.142 1. If a solicitor makes a firm offer of credit for a
3 credit card to a person by mail and receives an acceptance of that
4 offer which has a substantially different address listed for the person
5 than the address to which the solicitor sent the offer, the solicitor
6 shall verify that the person accepting the offer is the same person to
7 whom the offer was made before sending the person the credit card.

8 2. A solicitor shall be deemed to have verified the address of a
9 person pursuant to subsection 1 if the solicitor:

10 (a) Telephones the person at a telephone number appearing in a
11 publicly available directory or database as the telephone number of
12 the person to whom the solicitation was made and the person
13 acknowledges his or her acceptance of the solicitation;

14 (b) Receives from the person accepting the offer of credit proof
15 of identity in the form of an identification document, including,
16 without limitation, a driver's license , ~~for~~ passport ~~or~~ *or tribal*
17 *identification card* which confirms that the person accepting the
18 solicitation is the person to whom the solicitation was made; or

19 (c) Uses any other commercially reasonable means to confirm
20 that the person accepting the solicitation is the person to whom the
21 solicitation was made, including, without limitation, any means
22 adopted in federal regulations.

23 3. For the purposes of this section:

24 (a) "Firm offer of credit" has the meaning ascribed to it in 15
25 U.S.C. § 1681a(l).

26 (b) "Solicitor" means a person who makes a firm offer of credit
27 for a credit card by mail solicitation, but does not include an issuer
28 or other creditor when that issuer or creditor relies on an
29 independent third party to provide the solicitation services.

30 (c) *"Tribal identification card" means an identification card*
31 *issued by a tribal government which satisfies the requirements of*
32 *subsection 3 of NRS 232.006.*

33 **Sec. 3.** NRS 125D.180 is hereby amended to read as follows:

34 125D.180 1. In determining whether there is a credible risk
35 of abduction of a child, the court shall consider any evidence that
36 the petitioner or respondent:

37 (a) Has previously abducted or attempted to abduct the child;

38 (b) Has threatened to abduct the child;

39 (c) Has recently engaged in activities that may indicate a
40 planned abduction, including:

41 (1) Abandoning employment;

42 (2) Selling a primary residence;

43 (3) Terminating a lease;



- 1 (4) Closing bank or other financial management accounts,
2 liquidating assets, hiding or destroying financial documents, or
3 conducting any unusual financial activities;
- 4 (5) Applying for a passport or visa or obtaining travel
5 documents for the respondent, a family member or the child; or
- 6 (6) Seeking to obtain the child's birth certificate or school or
7 medical records;
- 8 (d) Has engaged in domestic violence, stalking, or child abuse or
9 neglect;
- 10 (e) Has refused to follow a child custody determination;
- 11 (f) Lacks strong familial, financial, emotional or cultural ties to
12 the State or the United States;
- 13 (g) Has strong familial, financial, emotional or cultural ties to
14 another state or country;
- 15 (h) Is likely to take the child to a country that:
- 16 (1) Is not a party to the Hague Convention on the Civil
17 Aspects of International Child Abduction and does not provide for
18 the extradition of an abducting parent or for the return of an
19 abducted child;
- 20 (2) Is a party to the Hague Convention on the Civil Aspects
21 of International Child Abduction but:
- 22 (I) The Hague Convention on the Civil Aspects of
23 International Child Abduction is not in force between the United
24 States and that country;
- 25 (II) Is noncompliant according to the most recent
26 compliance report issued by the United States Department of State;
27 or
- 28 (III) Lacks legal mechanisms for immediately and
29 effectively enforcing a return order pursuant to the Hague
30 Convention on the Civil Aspects of International Child Abduction;
- 31 (3) Poses a risk that the child's physical or emotional health
32 or safety would be endangered in the country because of specific
33 circumstances relating to the child or because of human rights
34 violations committed against children;
- 35 (4) Has laws or practices that would:
- 36 (I) Enable the respondent, without due cause, to prevent
37 the petitioner from contacting the child;
- 38 (II) Restrict the petitioner from freely traveling to or
39 exiting from the country because of the petitioner's gender,
40 nationality, marital status or religion; or
- 41 (III) Restrict the child's ability legally to leave the
42 country after the child reaches the age of majority because of the
43 child's gender, nationality or religion;
- 44 (5) Is included by the United States Department of State on a
45 current list of state sponsors of terrorism;



1 (6) Does not have an official United States diplomatic
2 presence in the country; or

3 (7) Is engaged in active military action or war, including a
4 civil war, to which the child may be exposed;

5 (i) Is undergoing a change in immigration or citizenship status
6 that would adversely affect the respondent's ability to remain in the
7 United States legally;

8 (j) Has had an application for United States citizenship denied;

9 (k) Has forged or presented misleading or false evidence on
10 government forms or supporting documents to obtain or attempt to
11 obtain a passport, a visa, travel documents, a social security card, a
12 driver's license, *a tribal identification card* or other government-
13 issued identification card or has made a misrepresentation to the
14 United States Government;

15 (l) Has used multiple names to attempt to mislead or defraud; or

16 (m) Has engaged in any other conduct the court considers
17 relevant to the risk of abduction.

18 2. In the hearing on a petition pursuant to the provisions of this
19 chapter, the court shall consider any evidence that the respondent
20 believed in good faith that the respondent's conduct was necessary
21 to avoid imminent harm to the child or respondent and any other
22 evidence that may be relevant to whether the respondent may be
23 permitted to remove or retain the child.

24 3. If the court finds during the hearing on the petition that the
25 respondent's conduct is intended to avoid imminent harm to the
26 child or respondent, the court shall not issue an abduction
27 prevention order.

28 **Sec. 4.** NRS 159.044 is hereby amended to read as follows:

29 159.044 1. Except as otherwise provided in NRS 127.045, a
30 proposed ward, a governmental agency, a nonprofit corporation or
31 any interested person may petition the court for the appointment of a
32 guardian.

33 2. To the extent the petitioner knows or reasonably may
34 ascertain or obtain, the petition must include, without limitation:

35 (a) The name and address of the petitioner.

36 (b) The name, date of birth and current address of the proposed
37 ward.

38 (c) A copy of one of the following forms of identification of the
39 proposed ward which must be placed in the records relating to the
40 guardianship proceeding and, except as otherwise provided in NRS
41 239.0115 or as otherwise required to carry out a specific statute,
42 maintained in a confidential manner:

43 (1) A social security number;

44 (2) A taxpayer identification number;

45 (3) A valid driver's license number;



1 (4) A valid identification card number; ~~or~~

2 (5) A valid passport number ~~H~~; or

3 (6) *A valid tribal identification card number.*

4 ➔ If the information required pursuant to this paragraph is not
5 included with the petition, the information must be provided to the
6 court not later than 120 days after the appointment of a guardian or
7 as otherwise ordered by the court.

8 (d) If the proposed ward is a minor, the date on which the
9 proposed ward will attain the age of majority and:

10 (1) Whether there is a current order concerning custody and,
11 if so, the state in which the order was issued; and

12 (2) Whether the petitioner anticipates that the proposed ward
13 will need guardianship after attaining the age of majority.

14 (e) Whether the proposed ward is a resident or nonresident of
15 this State.

16 (f) The names and addresses of the spouse of the proposed ward
17 and the relatives of the proposed ward who are within the second
18 degree of consanguinity.

19 (g) The name, date of birth and current address of the proposed
20 guardian. If the proposed guardian is a private professional
21 guardian, the petition must include proof that the guardian meets the
22 requirements of NRS 159.0595. If the proposed guardian is not a
23 private professional guardian, the petition must include a statement
24 that the guardian currently is not receiving compensation for
25 services as a guardian to more than one ward who is not related to
26 the person by blood or marriage.

27 (h) A copy of one of the following forms of identification of the
28 proposed guardian which must be placed in the records relating to
29 the guardianship proceeding and, except as otherwise provided in
30 NRS 239.0115 or as otherwise required to carry out a specific
31 statute, maintained in a confidential manner:

32 (1) A social security number;

33 (2) A taxpayer identification number;

34 (3) A valid driver's license number;

35 (4) A valid identification card number; ~~or~~

36 (5) A valid passport number ~~H~~; or

37 (6) *A valid tribal identification card number.*

38 (i) Whether the proposed guardian has ever been convicted of a
39 felony and, if so, information concerning the crime for which the
40 proposed guardian was convicted and whether the proposed
41 guardian was placed on probation or parole.

42 (j) A summary of the reasons why a guardian is needed and
43 recent documentation demonstrating the need for a guardianship. If
44 the proposed ward is an adult, the documentation must include,
45 without limitation:



1 (1) A certificate signed by a physician who is licensed to
2 practice medicine in this State or who is employed by the
3 Department of Veterans Affairs, a letter signed by any governmental
4 agency in this State which conducts investigations or a certificate
5 signed by any other person whom the court finds qualified to
6 execute a certificate, stating:

7 (I) The need for a guardian;

8 (II) Whether the proposed ward presents a danger to
9 himself or herself or others;

10 (III) Whether the proposed ward's attendance at a hearing
11 would be detrimental to the proposed ward;

12 (IV) Whether the proposed ward would comprehend the
13 reason for a hearing or contribute to the proceeding; and

14 (V) Whether the proposed ward is capable of living
15 independently with or without assistance; and

16 (2) If the proposed ward is determined to have the limited
17 capacity to consent to the appointment of a special guardian, a
18 written consent to the appointment of a special guardian from the
19 ward.

20 (k) Whether the appointment of a general or a special guardian
21 is sought.

22 (l) A general description and the probable value of the property
23 of the proposed ward and any income to which the proposed ward is
24 or will be entitled, if the petition is for the appointment of a
25 guardian of the estate or a special guardian. If any money is paid or
26 is payable to the proposed ward by the United States through the
27 Department of Veterans Affairs, the petition must so state.

28 (m) The name and address of any person or care provider having
29 the care, custody or control of the proposed ward.

30 (n) If the petitioner is not the spouse or natural child of the
31 proposed ward, a declaration explaining the relationship of the
32 petitioner to the proposed ward or to the proposed ward's family or
33 friends, if any, and the interest, if any, of the petitioner in the
34 appointment.

35 (o) Requests for any of the specific powers set forth in NRS
36 159.117 to 159.175, inclusive, necessary to enable the guardian to
37 carry out the duties of the guardianship.

38 (p) If the guardianship is sought as the result of an investigation
39 of a report of abuse, neglect, exploitation, isolation or abandonment
40 of the proposed ward, whether the referral was from a law
41 enforcement agency or a state or county agency.

42 (q) Whether the proposed ward or the proposed guardian is a
43 party to any pending criminal or civil litigation.

44 (r) Whether the guardianship is sought for the purpose of
45 initiating litigation.



1 (s) Whether the proposed ward has executed a durable power of
2 attorney for health care, a durable power of attorney for financial
3 matters or a written nomination of guardian and, if so, who the
4 named agents are for each document.

5 (t) Whether the proposed guardian has filed for or received
6 protection under the federal bankruptcy laws within the immediately
7 preceding 7 years.

8 3. Before the court makes a finding pursuant to NRS 159.054,
9 a petitioner seeking a guardian for a proposed adult ward must
10 provide the court with an assessment of the needs of the proposed
11 adult ward completed by a licensed physician which identifies the
12 limitations of capacity of the proposed adult ward and how such
13 limitations affect the ability of the proposed adult ward to maintain
14 his or her safety and basic needs. The court may prescribe the form
15 in which the assessment of the needs of the proposed adult ward
16 must be filed.

17 **Sec. 5.** NRS 159.2025 is hereby amended to read as follows:

18 159.2025 If a guardian has been appointed in another state and
19 a petition for the appointment of a guardian is not pending in this
20 State, the guardian appointed in the other state, after giving notice to
21 the appointing court of an intent to register and the reason for
22 registration, may register the guardianship order in this State by
23 filing as a foreign judgment in a court, in any appropriate county of
24 this State:

25 1. Certified copies of the order and letters of office; and

26 2. A copy of the guardian's driver's license, passport , *tribal*
27 *identification card* or other valid photo identification card in a
28 sealed envelope.

29 **Sec. 6.** NRS 202.2493 is hereby amended to read as follows:

30 202.2493 1. A person shall not sell, distribute or offer to sell
31 cigarettes, any smokeless product made or derived from tobacco or
32 any alternative nicotine product in any form other than in an
33 unopened package which originated with the manufacturer and
34 bears any health warning required by federal law. A person who
35 violates this subsection shall be punished by a fine of \$100 and a
36 civil penalty of \$100. As used in this subsection, "smokeless
37 product made or derived from tobacco" means any product that
38 consists of cut, ground, powdered or leaf tobacco and is intended to
39 be placed in the oral or nasal cavity.

40 2. Except as otherwise provided in subsections 3, 4 and 5, it is
41 unlawful for any person to sell, distribute or offer to sell cigarettes,
42 cigarette paper, tobacco of any description, products made or
43 derived from tobacco, vapor products or alternative nicotine
44 products to any child under the age of 18 years. A person who



1 violates this subsection shall be punished by a fine of not more than
2 \$500 and a civil penalty of not more than \$500.

3 3. A person shall be deemed to be in compliance with the
4 provisions of subsection 2 if, before the person sells, distributes or
5 offers to sell to another, cigarettes, cigarette paper, tobacco of any
6 description, products made or derived from tobacco, vapor products
7 or alternative nicotine products, the person:

8 (a) Demands that the other person present a valid driver's
9 license, *tribal identification card* or other written or documentary
10 evidence which shows that the other person is 18 years of age or
11 older;

12 (b) Is presented a valid driver's license, *tribal identification*
13 *card* or other written or documentary evidence which shows that the
14 other person is 18 years of age or older; and

15 (c) Reasonably relies upon the driver's license, *tribal*
16 *identification card* or written or documentary evidence presented by
17 the other person.

18 4. The employer of a child who is under 18 years of age may,
19 for the purpose of allowing the child to handle or transport tobacco,
20 products made or derived from tobacco, vapor products or
21 alternative nicotine products, in the course of the child's lawful
22 employment, provide tobacco, products made or derived from
23 tobacco, vapor products or alternative nicotine products to the child.

24 5. With respect to any sale made by an employee of a retail
25 establishment, the owner of the retail establishment shall be deemed
26 to be in compliance with the provisions of subsection 2 if the owner:

27 (a) Had no actual knowledge of the sale; and

28 (b) Establishes and carries out a continuing program of training
29 for employees which is reasonably designed to prevent violations of
30 subsection 2.

31 6. The owner of a retail establishment shall, whenever any
32 product made or derived from tobacco, vapor product or alternative
33 nicotine product is being sold or offered for sale at the
34 establishment, display prominently at the point of sale:

35 (a) A notice indicating that:

36 (1) The sale of cigarettes, other tobacco products, vapor
37 products and alternative nicotine products to minors is prohibited by
38 law; and

39 (2) The retailer may ask for proof of age to comply with this
40 prohibition; and

41 (b) At least one sign that complies with the requirements of
42 NRS 442.340.

43 ➤ A person who violates this subsection shall be punished by a fine
44 of not more than \$100.



1 7. It is unlawful for any retailer to sell cigarettes through the
2 use of any type of display:

3 (a) Which contains cigarettes and is located in any area to which
4 customers are allowed access; and

5 (b) From which cigarettes are readily accessible to a customer
6 without the assistance of the retailer,

7 ↪ except a vending machine used in compliance with NRS
8 202.2494. A person who violates this subsection shall be punished
9 by a fine of not more than \$500.

10 8. Any money recovered pursuant to this section as a civil
11 penalty must be deposited in a separate account in the State General
12 Fund to be used for the enforcement of this section and
13 NRS 202.2494.

14 **Sec. 7.** NRS 237.200 is hereby amended to read as follows:

15 237.200 1. Except as otherwise provided in subsection 2,
16 with respect to any activity or transaction in which a local
17 government accepts an identification card issued by the Department
18 of Motor Vehicles to identify a person, the local government may
19 also accept a consular identification card *or tribal identification*
20 *card* to identify a person.

21 2. The provisions of subsection 1 apply only to the presentation
22 of a consular identification card *or tribal identification card* for
23 purposes of identification and do not convey an independent right to
24 receive benefits of any type.

25 3. *To be accepted pursuant to subsection 1 to identify a*
26 *person, an identification card issued by a tribal government must*
27 *contain:*

28 (a) *The full legal name of the holder of the card;*

29 (b) *The date of birth of the holder of the card;*

30 (c) *A unique number assigned to the holder of the card;*

31 (d) *A digital photograph of the full face of the holder of the*
32 *card;*

33 (e) *The address of the principal residence of the holder of the*
34 *card;*

35 (f) *A physical description of the holder of the card, including,*
36 *without limitation, the height, weight, hair color and eye color of*
37 *the holder of the card;*

38 (g) *The usual signature of the holder of the card;*

39 (h) *The date on which the card is issued; and*

40 (i) *A reference to the tribal government which issued the card.*

41 4. As used in this section:

42 (a) "Consular identification card" means an identification card
43 issued by a consulate of a foreign government, which consulate is
44 located within the State of Nevada.



1 (b) "Identification card issued by the Department of Motor
2 Vehicles" means an identification card of the type described in NRS
3 483.810 to 483.890, inclusive.

4 (c) "Local government" has the meaning ascribed to it in
5 NRS 237.050.

6 (d) *"Tribal government" has the meaning ascribed to it in*
7 *NRS 239C.105.*

8 (e) *"Tribal identification card" means an identification card*
9 *issued by a tribal government which satisfies the requirements of*
10 *subsection 3.*

11 **Sec. 8.** NRS 453.357 is hereby amended to read as follows:

12 453.357 1. A retail distributor shall maintain a logbook.

13 2. At the time of the sale or transfer of a product that is a
14 precursor to methamphetamine, a retail distributor shall ensure that
15 the following information is entered in the logbook:

- 16 (a) The name of the product sold or transferred;
17 (b) The quantity of the product sold or transferred;
18 (c) The name and address of the purchaser or transferee;
19 (d) The date and time of the sale or transfer; and
20 (e) The type and number of the identification presented by the
21 purchaser or transferee pursuant to paragraph (a) of subsection 3.

22 3. A retail distributor shall not sell or transfer a product that is a
23 precursor to methamphetamine unless:

24 (a) The prospective purchaser or transferee:

25 (1) Presents an identification card which provides a
26 photograph and which is issued by the Federal Government, this
27 State or any other state ~~H~~ *or a tribal government*, or a document
28 that, with respect to identification, is considered acceptable pursuant
29 to 21 U.S.C. § 830(e)(1); and

30 (2) Signs his or her name in the logbook.

31 (b) The retail distributor:

32 (1) Determines that the name entered in the logbook
33 corresponds to the name provided on the identification presented by
34 the prospective purchaser or transferee; and

35 (2) Has consulted the real-time, stop sale system, if required
36 pursuant to NRS 639.440.

37 4. The retail distributor must include in the logbook or
38 otherwise post or provide to a prospective purchaser or transferee a
39 notice that entering a false statement or representation in the
40 logbook may subject the prospective purchaser or transferee to
41 criminal penalties under state law, as set forth in NRS 453.359, and
42 under federal law, as set forth in 18 U.S.C. § 1001.

43 5. A retail distributor shall maintain each entry in the logbook
44 for not less than 2 years after the date on which the entry is made.



1 6. A retail distributor shall not access, use or share the
2 information in the logbook unless the accessing, using or sharing of
3 the information is allowed by federal law or unless the purpose of
4 accessing, using or sharing the information is to ensure compliance
5 with this chapter or to facilitate a product recall to protect the health
6 and safety of the public.

7 7. Upon a request, which is made for the purpose of enforcing
8 the provisions of NRS 453.352 to 453.359, inclusive, or 639.400 to
9 639.450, inclusive, by a law enforcement agency of this State or a
10 political subdivision thereof or a law enforcement agency of the
11 Federal Government, a retail distributor shall disclose the
12 information in the logbook to the law enforcement agency.

13 **Sec. 9.** NRS 476.220 is hereby amended to read as follows:

14 476.220 1. Except as otherwise provided in subsection 2, any
15 person who distributes:

16 (a) Black powder to a person under the age of 18 years; or

17 (b) Smokeless gunpowder to a person:

18 (1) Under the age of 18 years; or

19 (2) Under the age of 21 years, if the smokeless gunpowder is
20 intended for use other than in a rifle or shotgun,

21 ➔ is guilty of a misdemeanor and shall be punished by a fine of not
22 more than \$500.

23 2. A person shall be deemed to be in compliance with the
24 provisions of subsection 1 if, before the person distributes black
25 powder or smokeless gunpowder to another person, the person:

26 (a) Asks the other person to declare the intended use for the
27 black powder or smokeless gunpowder;

28 (b) Demands that the other person present a valid driver's
29 license, *tribal identification card* or other written or documentary
30 evidence which shows that the other person meets the appropriate
31 age requirement set forth in subsection 1;

32 (c) Is presented a valid driver's license, *tribal identification*
33 *card* or other written or documentary evidence which shows that the
34 other person meets the appropriate age requirement set forth in
35 subsection 1; and

36 (d) Reasonably relies upon the declaration of intended use by
37 the other person and the driver's license, *tribal identification card*
38 or other written or documentary evidence presented by the other
39 person.

40 3. As used in this section ~~f, "distribute"~~:

41 (a) *"Distribute"* has the meaning ascribed to it in NRS 476.010.

42 (b) *"Tribal identification card" means an identification card*
43 *issued by a tribal government which satisfies the requirements of*
44 *subsection 3 of NRS 232.006.*



1 **Sec. 10.** Chapter 597 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *If a business accepts a driver's license or identification*
4 *card issued by the Department of Motor Vehicles for the purpose*
5 *of identifying a customer, the business shall not refuse to accept a*
6 *tribal identification card for the same purpose unless the business*
7 *reasonably determines that federal law or regulation requires the*
8 *use of a different form of identification.*

9 2. *As used in this section, "tribal identification card" means*
10 *an identification card issued by a tribal government which*
11 *satisfies the requirements of subsection 3 of NRS 232.006.*

12 **Sec. 11.** NRS 597.940 is hereby amended to read as follows:

13 597.940 1. Except as otherwise provided in this subsection, a
14 business shall not, without the customer's consent, record the
15 account number of any of a customer's credit cards on the
16 customer's check or draft as a condition of accepting that check or
17 draft. This subsection does not prohibit:

18 (a) The business from requiring the customer to produce
19 reasonable forms of positive identification other than a credit card,
20 including, without limitation:

21 (1) A driver's license;

22 (2) An identification card issued by the Department of Motor
23 Vehicles; ~~or~~

24 (3) *A tribal identification card; or*

25 (4) A consular identification card,

26 ↳ as a condition of accepting a check or draft.

27 (b) The business from requesting the customer to display a
28 credit card as an indicia of creditworthiness or financial
29 responsibility, if the only information recorded by the business
30 concerning the credit card is the type of credit card displayed, the
31 issuer of the card and the date the card expires.

32 (c) The business from requesting the customer to record the
33 account number of his or her credit card on the check or draft with
34 which payment on the credit card account is being made.

35 (d) The business from requesting the production of or recording
36 of the account number of a credit card as a condition of cashing a
37 check or draft if:

38 (1) The business has agreed with the issuer of the credit card
39 to cash the checks or drafts as a service to the cardholders of the
40 issuer;

41 (2) The issuer has agreed to guarantee any such check or
42 draft so cashed; and

43 (3) The cardholder has given actual, apparent or implied
44 authority for the use of his or her account number for this purpose.



1 2. Except as otherwise provided in this subsection, a business
2 shall not, without the customer's consent, record a customer's
3 telephone number on the credit card sales slip as a condition of
4 accepting his or her credit card. This subsection does not:

5 (a) Prohibit the recordation of personal identifying information
6 required for a special purpose incidental to the use of the credit card,
7 such as the delivery, shipping, servicing or installation of the
8 purchased merchandise.

9 (b) Apply to a transaction in which the customer receives a cash
10 advance against his or her credit card or to a transaction involving
11 the use of preprinted spaces for personal identifying information that
12 the business accepting the credit card has a contractual obligation to
13 record in order to complete the transaction.

14 (c) Apply to a transaction in which the customer's purchase is
15 made by the use of a device that electronically authorizes the use of
16 the credit card and processes information relating thereto.

17 3. As used in this section, unless the context otherwise
18 requires:

19 (a) "Consular identification card" means an identification card
20 issued by a consulate of a foreign government, which consulate is
21 located within the State of Nevada.

22 (b) "Credit card" has the meaning ascribed to it in NRS 205.630.

23 (c) "Identification card issued by the Department of Motor
24 Vehicles" means an identification card of the type described in NRS
25 483.810 to 483.890, inclusive.

26 *(d) "Tribal identification card" means an identification card*
27 *issued by a tribal government which satisfies the requirements of*
28 *subsection 3 of NRS 232.006.*

29 **Sec. 12.** NRS 643.184 is hereby amended to read as follows:

30 643.184 A person who is required to display a license issued
31 pursuant to the provisions of this chapter shall, upon the request of
32 an authorized representative of the Board, provide to that
33 representative identification in the form of a driver's license or
34 identification card with a photograph that has been issued by a state,
35 the District of Columbia or the United States ~~or~~ *or a tribal*
36 *identification card issued by a tribal government which satisfies*
37 *the requirements of subsection 3 of NRS 232.006.*

38 **Sec. 13.** NRS 644.208 is hereby amended to read as follows:

39 644.208 1. The Board shall admit to examination as a hair
40 braider, at any meeting of the Board held to conduct examinations,
41 each person who has applied to the Board in proper form and paid
42 the fee, and who:

43 (a) Is not less than 18 years of age.

44 (b) Is of good moral character.



1 (c) Is a citizen of the United States or is lawfully entitled to
2 remain and work in the United States.

3 (d) Has successfully completed the 10th grade in school or its
4 equivalent and has submitted to the Board a notarized affidavit
5 establishing the successful completion by the applicant of the 10th
6 grade or its equivalent. Testing for equivalency must be pursuant to
7 state or federal requirements.

8 (e) If the person has not practiced hair braiding previously:

9 (1) Has completed a minimum of 250 hours of training and
10 education as follows:

11 (I) Fifty hours concerning the laws of Nevada and the
12 regulations of the Board relating to cosmetology;

13 (II) Seventy-five hours concerning infection control and
14 prevention and sanitation;

15 (III) Seventy-five hours regarding the health of the scalp
16 and the skin of the human body; and

17 (IV) Fifty hours of clinical practice; and

18 (2) Has passed the practical demonstration in hair braiding
19 and written tests described in NRS 644.248.

20 (f) If the person has practiced hair braiding in this State on a
21 person who is related within the sixth degree of consanguinity
22 without a license and without charging a fee:

23 (1) Has submitted to the Board a signed affidavit stating that
24 the person has practiced hair braiding for at least 1 year on such a
25 relative; and

26 (2) Has passed the practical demonstration (2) in hair braiding
27 and written tests described in NRS 644.248.

28 2. The application submitted pursuant to subsection 1 must be
29 accompanied by:

30 (a) Two current photographs of the applicant which are 2 by 2
31 inches. The name and address of the applicant must be written on
32 the back of each photograph.

33 (b) A copy of one of the following documents as proof of the
34 age of the applicant:

35 (1) A driver's license or identification card issued to the
36 applicant by this State or another state, the District of Columbia or
37 any territory of the United States **+** *or a tribal identification card
38 issued by a tribal government which satisfies the requirements of
39 subsection 3 of NRS 232.006;*

40 (2) The birth certificate of the applicant; or

41 (3) The current passport issued to the applicant.

42 **Sec. 14.** NRS 644.209 is hereby amended to read as follows:

43 644.209 1. The Board shall admit to examination as a hair
44 braider, at any meeting of the Board held to conduct examinations,
45 each person who has practiced hair braiding in another state, has



1 applied to the Board in proper form and paid a fee of \$200, and
2 who:

3 (a) Is not less than 18 years of age.

4 (b) Is of good moral character.

5 (c) Is a citizen of the United States or is lawfully entitled to
6 remain and work in the United States.

7 (d) Has successfully completed the 10th grade in school or its
8 equivalent and has submitted to the Board a notarized affidavit
9 establishing the successful completion by the applicant of the 10th
10 grade or its equivalent. Testing for equivalency must be pursuant to
11 state or federal requirements.

12 (e) If the person has practiced hair braiding in another state in
13 accordance with a license issued in that other state:

14 (1) Has submitted to the Board proof of the license; and

15 (2) Has passed the written tests described in NRS 644.248.

16 (f) If the person has practiced hair braiding in another state
17 without a license and it is legal in that state to practice hair braiding
18 without a license:

19 (1) Has submitted to the Board a signed affidavit stating that
20 the person has practiced hair braiding for at least 1 year; and

21 (2) Has passed the practical demonstration in hair braiding
22 and written tests described in NRS 644.248.

23 2. The application submitted pursuant to subsection 1 must be
24 accompanied by:

25 (a) Two current photographs of the applicant which are 2 by 2
26 inches. The name and address of the applicant must be written on
27 the back of each photograph.

28 (b) A copy of one of the following documents as proof of the
29 age of the applicant:

30 (1) A driver's license or identification card issued to the
31 applicant by this State or another state, the District of Columbia or
32 any territory of the United States **H** *or a tribal identification card*
33 *issued by a tribal government which satisfies the requirements of*
34 *subsection 3 of NRS 232.006;*

35 (2) The birth certificate of the applicant; or

36 (3) The current passport issued to the applicant.

37 **Sec. 15.** This act becomes effective on July 1, 2017.

