

The following minutes were transcribed from session tapes by a research division secretary. Due to the fact that this staff member was not present during the hearing, and the speakers (legislators and witnesses) did not always identify themselves on tape, the accuracy of the identification of the speakers set forth herein cannot be guaranteed.

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON COMMERCE AND LABOR

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 28, 1981

The Senate Committee on Commerce and Labor was called to order by Chairman Thomas R. C. Wilson, at 3:50 p.m. Thursday, May 28, 1981, in Room 213 of the Legislative Building, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT:

Senator Thomas R. C. Wilson, Chairman
Senator Richard E. Blakemore, Vice Chairman
Senator Don W. Ashworth
Senator Melvin D. Close
Senator William H. Hernstadt
Senator Clifford E. McCorkle
Senator William J. Raggio

ASSEMBLY BILL 208

Mr. Ed Greer, associate superintendent, business and finance, Clark County school district was the first witness to appear in regard to A.B. 208 (Exhibit B - first reprint) which removes denial of unemployment compensation for certain school employees under specified circumstances. Mr. Greer was not in favor of the passage of A. B. 208. He said that notices of assurance of probable reemployment are sent to school employees in May, but many factors could arise between May and September that would influence whether the district could honor those assurances. Some examples he gave were possible awards by arbitrators increasing salaries which would result in a necessary reduction of staff or a budget cut of such proportion that staff would need to be reduced. He questioned the language in the bill regarding the school district's "good faith". He said that no matter

*Attendance roster attached as Exhibit A.

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what the reason for not rehiring school employees their good faith could always be questioned, resulting in the district paying unemployment compensation even though the circumstances that prevented rehiring were beyond their control. Mr. Greer also pointed out that employees were hired on a contract basis for 9 to 10 months and should not collect unemployment compensation for the period between school terms. He also commented that the district was not pleased with the handling of unemployment compensation claims. He cited some abuses of the process by school district employees.

Mr. Milan Tresnit, personnel director, Carson City school district testified that the district's position is that NRS 612.434 should remain as it is presently written and not be amended by passage of A.B. 208.

Senator Blakemore moved to kill A.B. 208.

Senator McCorkle seconded.

Motion carried unanimously.

ASSEMBLY BILL 658

Mr. Tom Cooke, representing the state contractor's board, testified on A.B. 658 (Exhibit C - first reprint) which requires contracors to have resident agents and removes exemption for contractors on federal projects from statutory provisions governing contractors. Mr. Cooke told the committee that in his opinion, the language on lines 15-17 of the bill authorizing the board to impose fines was an unconstitutional delegation of judicial power.

Senator Raggio asked Mr. Cooke to explain why the exemption for contractors on federal projects from statutory provisions governing contractors had been removed from the original bill. Mr. Cooke replied that he had explained to the assembly committee on labor and management that the language was unconstituional.

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Senator Ashworth moved to "Amend and Do Pass". The amendments include: Section 3, line 19, delete "resident", section 3, line 20, strike "agents", section 4, line 12, add "A resignation is not effective until a statement is filed with the board and the county clerk's office."

Senator McCorkle seconded.

Motion carried unanimously.

ASSEMBLY BILL 25

Senator Hernstadt reviewed A.B. 25 (Exhibit D - first reprint) which revises provisions regulating persons who manufacture, sell, install and service mobile homes and similar vehicles. He said a conference committee consisting of himself and Senators Blakemore and McCorkle had carefully studied the bill and recommended the following amendments. Section 3, line 5, substitute "30 days" for "6 months." Section 4, line 34 (e) should be changed to read, "He and the division have made reasonable searches and inquires to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment." Section 4, 3 (g), lines 40-42 should be deleted. Section 10 should also be deleted. Section 11, lines 43-44 were changed to reflect an interest rate of 12 percent per annum. Sections 13 and 14 should be deleted. Section 16, line 34, change "shall" to "may." Section 17, lines 2-3, the words "electrical" and "or plumbing" should be deleted.

Mr. Tetrault of the Mobile Home Owners Association said that anyone who works on mobile homes doing skirting, roofing, awnings and other work should be licensed. Ms. Shannon Zivic, representing mobile homes owners in the area vigorously supported this.

Senator Hernstadt said the conference committee had also recommended that Section 20, beginning on line 7 should be changed to read, "Within 60 days after receipt of a complete application, the division shall issue or deny the license." The remainder of the language through line 11 should be deleted. Section 21, lines 44-47 was changed to read the same as section 20, lines 7-11. Section 23, subsection 4, lines 45-48 were deleted. Under section 24, subsection 2, add "(c) The dealer or owner has delivered to the division all documents relating to the mobile home in its former condition as personal property; or (d) An affidavit of conversion of the mobile home from personal to real property has been recorded in the county recorder's office of the county in which the mobile home is located."

ASSEMBLY BILL 391

Senator Hernstadt said that A.B. 391 (Exhibit E - first reprint) is a companion bill to A.B. 25 (Exhibit D - first reprint) and the conference committee had recommended that certain language in A.B. 391 be extracted and included in A.B. 25, as follows. Section 3, lines 11 and 12 should be deleted. Section 5 should be deleted from A.B. 391 and added to A.B. 25, section 21, adding the words, "responsible managing employee." Sections 7, 9, and 13 of A.B. 391 are deleted. Section 18, subsection 2, line 42 is changed to read "eight consecutive working days." Section 20 of A.B. 391 should be deleted and added to A.B. 25.

Senator Hernstadt moved to "Amend and Do Pass" A.B. 25, in accordance with the amendments set forth above.

Senator Blakemore seconded.

Motion carried unanimously.

The chairman said he would entertain a motion to kill A.B. 391.

Senator Ashworth moved that A.B. 391 be killed.

Senator Hernstadt seconded.

Motion carried unanimously.

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ASSEMBLY JOINT RESOLUTION 9

Senator Ashworth moved that A.J.R. 9 be held.

Seconded by Senator Blakemore.

Motion carried unanimously.

ASSEMBLY BILL 599

Senator Wilson read a letter (Exhibit F) from Mr. David R. Hoy, attorney with the firm, Hoy & Miller, Chartered suggesting amendments to A.B. 599 (Exhibit G - original) which strengthens professional monopoly of professional engineers.

Senator Close moved to "Amend and Do Pass". The amendments include striking all of page 1 and lines 1 through 7 of page 2 with the remainder containing the entire bill.

Senator Ashworth seconded.

Motion carried unanimously.

ASSEMBLY BILL 444

Senator Wilson read proposed changes and amendments (Exhibit H) to A.B. 444 (Exhibit I - first reprint) which regulates practice of naturopathic medicine. Mr. Robert E. Rusk explained that the proposed changes and amendments had been agreed upon between representatives of the chiropractic, naturopathic and physical therapists professions.

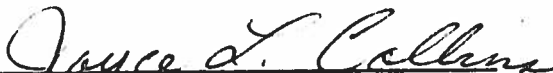
Susan Hanna, a proponent of allowing naturopathic physicians to practice in the state, addressed amendment 3 and said the forceful movement of the muscles will cause the passive movement of the other body parts attached thereto.

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Senator Close questioned the language of the bill and suggested the words "homeopathy," "manual manipulation" and "physical" be removed from section 7, lines 12 and 13. Senator McCorkle suggested the words "homeopathy," "physical therapy" and "chiropractic" be added to section 15, line 25.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Joyce V. Collins
Research Secretary

APPROVED:

Senator Thomas R. C. Wilson, Chairman

DATE: April 13, 1982

EXHIBITS - May 28, 1981 - MEETING

- Exhibit A - is the Attendance Roster.
- Exhibit B - is copy of first reprint of Assembly Bill 208.
- Exhibit C - is copy of first reprint of Assembly Bill 658.
- Exhibit D - is copy of first reprint of Assembly Bill 25.
- Exhibit E - is copy of first reprint of Assembly Bill 391.
- Exhibit F - is letter from Hoy & Miller, Chartered proposing amendments to Assembly Bill 599.
- Exhibit G - is copy of original of Assembly Bill 599.
- Exhibit H - is copy of proposed changes and amendments to Assembly Bill 444.
- Exhibit I - is copy of first reprint of Assembly Bill 444.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON COMMERCE AND LABOR

EXHIBIT A

DATE: Thursday, May 28, 1981 WORK SESSION

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

J. J. Green *Clark County Sch. Dist.*

Mr. Williams *NPEAC*

Wayne Fetrault *Mobile Home Owners Assn*

Thomas Zivic *Mobile Home Owners Assn*

Bob Rusk *Assemblyman*

Jessie Hannah

ASSEMBLY BILL 208

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 208

ASSEMBLY BILL NO. 208—COMMITTEE ON
LABOR AND MANAGEMENT

FEBRUARY 24, 1981

Referred to Committee on Labor and Management

SUMMARY—Removes denial of unemployment compensation for certain
school employees under specified circumstances. (BDR 53-847)FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.AN ACT relating to unemployment compensation; removing the denial of benefits
for certain employees of schools under certain circumstances; and providing
other matters properly relating thereto.*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 612.434 is hereby amended to read as follows:
2 612.434 1. Benefits based on service in an instructional, research or
3 principal administrative capacity for any educational institution must
4 be denied to any person for any week of unemployment which begins
5 during the period between two successive academic years, or during
6 a similar period between two regular terms, whether or not successive,
7 or during a period of paid sabbatical leave provided for in the person's
8 contract, if that person performs the service in the first of such academic
9 years or terms and there is a contract or reasonable assurance that he will
10 be provided employment in any such capacity for an educational institu-
11 tion in the next academic year or term.
- 12 2. **[Benefits]** *Except as provided in this subsection, benefits based on*
13 *service in any other capacity for any educational institution, except an*
14 *institution of higher education, must be denied to any person for any*
15 *week of unemployment which begins during the period between two*
16 *successive academic years or terms if the person performed the service in*
17 *the first of such academic years or terms and there is reasonable assurance*
18 *that the person will be provided employment to perform that service in*
19 *the next academic year or term. These benefits become payable when*
20 *the assurance of reemployment is shown not to have been given in good*
21 *faith, if the claimant has continued to file for benefits and to comply at*
22 *the proper time with all other requirements set forth in this chapter.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 658

ASSEMBLY BILL NO. 658—COMMITTEE ON
LABOR AND MANAGEMENT

MAY 12, 1981

Referred to Committee on Labor and Management

SUMMARY—Requires contractors to have resident agents and removes exemption for contractors on federal projects from statutory provisions governing contractors. (BDR 54-1997)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to contractors; requiring contractors to appoint resident agents; increasing licensing fees; providing a penalty; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 624 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 4, inclusive, of this act.
- 3 SEC. 2. 1. *Every applicant for a license shall appoint and keep in*
- 4 *this state a resident agent as provided in NRS 14.020.*
- 5 2. *Every resident agent shall, within 10 days after his appointment,*
- 6 *file an acknowledgment of his appointment with the board and a copy*
- 7 *of the acknowledgment with the county clerk of the county in which the*
- 8 *principal place of business of the contractor is located.*
- 9 3. *All legal process and any demand or notice authorized by law to*
- 10 *be served upon a contractor may be served upon the resident agent of*
- 11 *the contractor in the manner provided in NRS 14.020 and 14.030. This*
- 12 *manner of service is in addition to any other service authorized by law.*
- 13 4. *Every contractor who fails or refuses to comply with the require-*
- 14 *ments of this section for a period of 30 days is subject to disciplinary*
- 15 *action pursuant to NRS 624.300 to 624.305, inclusive, and in addition*
- 16 *shall pay an administrative penalty of not less than \$100 nor more than*
- 17 *\$500 to be fixed by the board.*
- 18 SEC. 3. 1. *The location of the office of any resident agent may be*
- 19 *transferred from one address to another in this state upon the resident*
- 20 *agent's making and executing a certificate, acknowledged before an officer*
- 21 *authorized by the laws of this state to take acknowledgments of deeds,*

1 setting forth the names of all the contractors represented by the resident
2 agent, and the address he had maintained for each of the contractors,
3 and further certifying to the new address to which the resident agency
4 will be transferred.

5 2. Upon the filing of the certificate with the board and a copy with
6 the county clerk of the county where the principal place of business is
7 located, the resident agent of each of the contractors recited in the cer-
8 tificate must be located at the new address given in the certificate.

9 SEC. 4. 1. Whenever a resident agent desires to resign, he shall file
10 with the board a signed statement that he is unwilling to continue to
11 act as the agent of the contractor. The execution of the statement must
12 be acknowledged. A resignation is not effective until the statement
13 filed with the board.

14 2. Upon the filing of the statement with the board, the capacity of
15 the person as resident agent terminates, and the board shall give written
16 notice by mail to the contractor of the filing of the statement and its effect.

17 3. If a designated resident agent dies, resigns or leaves the state,
18 the contractor within 30 days shall file with the board a certificate setting
19 forth the name and complete address of a newly designated resident
20 agent.

21 SEC. 5. NRS 624.280 is hereby amended to read as follows:

22 624.280 The board [in its discretion is authorized to] may fix appli-
23 cation, examination and annual license fees to be paid by applicants and
24 licensees under the terms of this chapter, but the application and exami-
25 nation fee [shall] must not exceed [\$100] \$200 and the annual license
26 fee [shall] must not exceed [\$100] \$200 per year.

ASSEMBLY BILL 25

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 25

ASSEMBLY BILL NO. 25—ASSEMBLYMEN BARENGO,
HAYES, ROBINSON AND PRENGAMAN

JANUARY 22, 1981

Referred to Committee on Commerce

SUMMARY—Revises provisions regulating persons who manufacture, sell,
install and service mobile homes and similar vehicles. (BDR 43-15)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Effect less than \$2,000.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to mobile homes and similar vehicles; establishing a fund for education and recovery relating to mobile homes; providing a procedure for receivership of the assets of certain dealers; providing additional requirements for the licensing of manufacturers, dealers, rebuilders, servicemen, installers and salesmen; amending provisions relating to the conversion of mobile homes from personal property to real property; making an appropriation; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 489 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 16, inclusive, of this act.
- 3 SEC. 2. 1. *The fund for education and recovery relating to mobile*
- 4 *homes is hereby created as a special revenue fund for the purpose of*
- 5 *satisfying claims against persons licensed under this chapter. Any balance*
- 6 *in the fund over \$300,000 at the end of any fiscal year must be set aside*
- 7 *and used by the administrator for education respecting mobile homes,*
- 8 *travel trailers or commercial coaches.*
- 9 2. *Upon issuance or renewal of the following licenses by the division,*
- 10 *the licensee must pay in addition to the original or renewal license fee, a*
- 11 *fee:*
- 12 (a) *For a dealer's or manufacturer's original license, of \$300.*
- 13 (b) *For a dealer's or manufacturer's renewal license, of \$150.*
- 14 (c) *For an original or renewal license for:*
- 15 (1) *A serviceman or installer, of \$50.*
- 16 (2) *A salesman, of \$25.*
- 17 *Fees collected pursuant to this section must be deposited in the state treas-*
- 18 *ury for credit to the fund.*
- 19 3. *Payments from the fund must be made only upon an appropriate*
- 20 *court order.*

1 **SEC. 3.** *A person who commences a civil action against a licensee*
2 *under this chapter upon grounds of fraud, misrepresentation or deceit*
3 *with reference to any transaction for which a license is required under*
4 *this chapter must, if the cause of action arose on or after July 1, 1981,*
5 *serve a copy of the complaint upon the administrator within 6 months*
6 *after the action is commenced.*

7 **SEC. 4.** 1. *When any person obtains a final judgment in any court of*
8 *competent jurisdiction against any licensee under this chapter in an action*
9 *described in section 3 of this act, the judgment creditor may, upon termi-*
10 *nation of all proceedings, including appeals in connection with any judg-*
11 *ment, file a verified petition in the court in which the judgment was*
12 *entered for an order directing payment out of the fund in the amount of*
13 *actual damages included in the judgment and unpaid, but not more than*
14 *\$25,000 per claimant and the liability of the fund may not exceed \$100,-*
15 *000 for any licensee.*

16 2. *A copy of the petition must be served upon the administrator and*
17 *an affidavit of service filed with the court.*

18 3. *The court shall act upon the petition within 30 days after service*
19 *and, upon the hearing of the petition, the judgment creditor must show*
20 *that:*

21 (a) *He is not the spouse of the judgment debtor, or the personal repre-*
22 *sentative of that spouse.*

23 (b) *He has complied with all the requirements of sections 2 to 12,*
24 *inclusive, of this act.*

25 (c) *He has obtained a judgment of the kind described in subsection 1,*
26 *stating the amount of the judgment and the amount owing on it at the*
27 *date of the petition.*

28 (d) *A writ of execution has been issued upon the judgment and that no*
29 *assets of the judgment debtor liable to be levied upon in satisfaction of*
30 *the judgment could be found, or that the amount realized on the sale of*
31 *any of them as were found under the execution was insufficient to satisfy*
32 *the judgment, stating the amount so realized and the balance remaining*
33 *due.*

34 (e) *He has made reasonable searches and inquiries to ascertain whether*
35 *the judgment debtor possesses real or personal property or other assets,*
36 *liable to be sold or applied in satisfaction of the judgment.*

37 (f) *The petition has been filed no more than 1 year after the termina-*
38 *tion of all proceedings, including reviews and appeals, in connection with*
39 *the judgment.*

40 (g) *He has posted a bond to guarantee costs, should his application be*
41 *denied, in the amount of 10 percent of the actual damages he seeks from*
42 *the fund.*

43 **SEC. 5.** 1. *The administrator may answer and defend any action*
44 *against the fund in the name of the defendant and may use any appro-*
45 *priate method of review on behalf of the fund.*

46 2. *The judgment set forth in the petition must be considered as prima*
47 *facie evidence only and the findings of fact in it are not conclusive for the*
48 *purposes of this chapter.*

49 3. *The administrator may, subject to court approval, compromise a*

1 claim based upon the application of the judgment creditor. He shall not
2 be bound by any prior compromise of the judgment debtor.

3 SEC. 6. 1. Whenever multiple claims against a licensee are filed
4 against the fund and they exceed in the aggregate \$100,000, the maximum
5 liability of the fund for the licensee must be distributed among the claim-
6 ants in the ratio that their respective claims bear to the total of all claims,
7 or in any other manner that the court may find equitable.

8 2. The distribution must be made without regard to the order of prior-
9 ity in which the claims were filed or judgments entered.

10 3. Upon the petition of the administrator, the court may require all
11 claimants and prospective claimants to be joined in one action so that the
12 respective rights of all claimants may be equitably determined.

13 4. If, at any time, the money deposited in the fund is insufficient to
14 satisfy any authorized claim or portion of a claim, the administrator shall,
15 when sufficient money has been deposited in the fund, satisfy the unpaid
16 claims or portions thereof, in the order that the claims or portions thereof
17 were originally filed, plus accumulated interest at the rate of 6 percent
18 per annum.

19 SEC. 7. After the hearing, if the court finds that a claim may be made
20 against the fund, the court shall enter an order directing the administrator
21 to pay from the fund an amount within the limitations set by sections 4
22 and 6 of this act.

23 SEC. 8. When the administrator has paid from the fund any sum to
24 the judgment creditor, the administrator is subrogated to all other rights
25 of the judgment creditor and the judgment creditor shall assign all his
26 right, title and interest in the judgment to the administrator and any
27 amount and interest so recovered by the administrator on the judgment
28 must be deposited in the fund.

29 SEC. 9. The failure of a person to comply with any of the provisions
30 of sections 2 to 12, inclusive, of this act constitutes a waiver of any rights
31 under those sections.

32 SEC. 10. The bond required by section 4 of this act must be furnished
33 in accordance with chapter 20 of NRS and must be conditioned upon
34 compliance with the requirements of sections 2 to 12, inclusive, of this
35 act. Recovery against the bond must be authorized by the court if, after
36 proceeding upon a petition, it rules in favor of the administrator on
37 behalf of the fund.

38 SEC. 11. If the administrator pays any amount in settlement of a
39 claim or towards satisfaction of a judgment against a licensee from the
40 fund for education and recovery relating to mobile homes the license will
41 be automatically suspended upon the effective date of an order by the
42 court authorizing payment from the fund. A licensee may not be granted
43 reinstatement until he has repaid in full, plus interest at the rate of 6
44 percent per annum, the amount paid from the fund on his behalf. Interest
45 is to be computed from the date payment from the fund is made.

46 SEC. 12. Nothing contained in sections 2 to 12, inclusive, of this act
47 limits the authority of the administrator to take disciplinary action against
48 a licensee for a violation of any of the provisions of this chapter or of the
49 regulations of the division, nor does the repayment in full of obligations

1 to the fund by any licensee nullify or modify the effect of any other disci-
2 plinary proceeding brought pursuant to the provisions of this chapter or
3 the regulations adopted under it.

4 SEC. 13. 1. When the administrator ascertains by examination or
5 otherwise that the assets or capital of any dealer are impaired or that a
6 dealer's affairs are in an unsafe condition, he may immediately take pos-
7 session of all the property, business and assets of the dealer which are
8 located in this state and retain possession of them pending further pro-
9 ceedings provided for in section 14 of this act.

10 2. If the board of directors or any officer or person in charge of the
11 offices of the dealer refuses to permit the administrator to take possession
12 of its property, the administrator shall communicate that fact to the attor-
13 ney general. Thereupon the attorney general shall immediately institute
14 such proceedings as may be necessary to place the administrator in
15 immediate possession of the property of the dealer. The administrator
16 thereupon shall make an inventory of the assets and known liabilities of
17 the dealer.

18 3. The administrator shall file one copy of the inventory in his office
19 and one copy in the office of the clerk of the district court of the county
20 in which the principal office of the dealer is located and shall mail one
21 copy to each stockholder, partner, officer or associate of the dealer at his
22 last-known address.

23 4. The clerk of the court with which the copy of the inventory is filed
24 shall file it as any other case or proceeding pending in the court and shall
25 give it a docket number.

26 SEC. 14. 1. The officers, directors, partners, associates or stockhold-
27 ers of the dealer may, within 60 days from the date when the administra-
28 tor takes possession of the property, business and assets, make good any
29 deficit which may exist or remedy the unsafe condition of its affairs.

30 2. At the expiration of that time, if the deficiency in assets or capital
31 has not been made good or the unsafe condition remedied, the administra-
32 tor may apply to the court to be appointed receiver and proceed to liqui-
33 date the assets of the dealer which are located in this state in the same
34 manner as provided by law for liquidation of a private corporation in
35 receivership.

36 3. No other person may be appointed receiver by any court without
37 first giving the administrator ample notice of his application.

38 4. The inventory made by the administrator and all claims filed by
39 creditors are open at all reasonable times for inspection and any action
40 taken by the receiver upon any of the claims is subject to the approval
41 of the court before which the cause is pending.

42 5. The administrator shall, subject to the approval of the court, fix
43 his expenses as receiver, the compensation of counsel and all expenditures
44 required in the liquidation proceedings and, upon his certification, pay
45 them out of the money he holds as receiver.

46 SEC. 15. 1. If any person to whom the administrator has directed a
47 subpoena refuses to attend, testify or produce evidence which the subpoena
48 requires, the administrator may present a petition to the district court for
49 the judicial district in which the investigation or hearing is being carried
50 on, setting forth that:

1 (a) Notice has been given of the time and place at which the person
2 was required to attend, testify or produce evidence;

3 (b) A subpoena has been served on the witness or custodian of the
4 evidence in sufficient time to enable him to comply with its provisions;
5 and

6 (c) The person has failed or refused to attend, to answer questions, or
7 to produce evidence required by the subpoena, and asking that the court
8 issue an order compelling the person to attend and to testify or produce
9 the evidence specified in the subpoena.

10 2. When the district court receives a petition from the administrator,
11 it shall order the person to whom the subpoena was directed to appear at a
12 time and place fixed by the court in its order, which must be not more
13 than 10 days after the date of the order, and show cause why he should
14 not be held in contempt. A certified copy of the order must be served on
15 the person to whom the subpoena was directed.

16 3. If it appears to the court that the subpoena was properly issued by
17 the administrator and that there is not sufficient reason that the person
18 failed or refused to appear, the court shall order the person to appear at
19 the time and place fixed by the court and to testify or produce the
20 required evidence. If the person fails to comply with the order of the
21 court, he must be punished as for a contempt of court.

22 SEC. 16. 1. Whenever the administrator finds a violation of this
23 chapter or of the prohibition in NRS 118.270 against charging or receiv-
24 ing any entrance or exit fee, or of any regulation adopted pursuant to
25 this chapter, he may issue a notice of violation to the person who he
26 alleges has violated the provision. The notice of violation must set forth
27 the violation which the administrator alleges with particularity and specify
28 the corrective action which is to be taken and the time within which the
29 action must be taken. If the person is alleged to have violated the pro-
30 hibition in NRS 118.270 against charging or receiving any entrance or
31 exit fee, the notice of violation must specify that the fee be repaid in full,
32 and any other corrective action which the administrator deems necessary.

33 2. If the person to whom a notice of violation is directed fails to take
34 the corrective action required, the administrator shall:

35 (a) Apply to the district court for the judicial district in which the vio-
36 lation is alleged to have occurred for an injunction and any other relief
37 which the court may grant to compel compliance;

38 (b) Request the district attorney of the county in which the violation is
39 alleged to have occurred to prosecute the person for the violation; or

40 (c) If the person is alleged to have violated the prohibition in NRS
41 118.270 against charging or receiving any entrance or exit fee, assess a
42 penalty against the person equal to three times the amount of the fee
43 which was charged or received. The assessment of a penalty pursuant to
44 this paragraph is a contested case.

45 3. Any person who is found to have violated a provision of this chap-
46 ter, the prohibition in NRS 118.270 against charging or receiving any
47 entrance or exit fee, or a regulation adopted pursuant to this chapter, is
48 liable for the cost incurred by the division in enforcing the provision.

49 SEC. 17. NRS 489.145 is hereby amended to read as follows:

1 489.145 "Serviceman" means a person who owns or is the responsi-
2 ble managing employee of a business which installs or repairs [electrical
3 or plumbing] awnings, roofing, skirting, or other fixtures, devices or appli-
4 ances on or in mobile homes or commercial coaches, except:

5 1. Any person employed by a licensed manufacturer; and

6 2. The owner or purchaser of a mobile home or commercial coach.

7 SEC. 18. NRS 489.231 is hereby amended to read as follows:

8 489.231 1. In order to carry out the provisions of this chapter, the
9 administrator may:

10 (a) Issue subpoenas for the attendance of witnesses or the production of
11 books, papers and documents; and

12 (b) Conduct hearings.

13 2. The administrator may apply for and receive grants from the
14 United States Secretary of Housing and Urban Development for devel-
15 oping and carrying out a plan for enforcement and administration of
16 federal standards of mobile home safety and construction [standards for]
17 respecting mobile homes offered for sale or lease in this state.

18 3. The administrator may adopt regulations to ensure acceptance by
19 the Secretary of Housing and Urban Development of the state plan for
20 administration and enforcement of federal standards of mobile home
21 safety and construction [standards] in accordance with the National
22 Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C.
23 §§ 5401 et seq.).

24 4. The administrator may make inspections, approve plans and
25 specifications, provide technical services, issue certificates and labels
26 of compliance, collect fees provided for in this chapter and adopt regu-
27 lations necessary to carry out his duties under this chapter if no federal
28 agency is performing adequate inspections.

29 5. The administrator or his representative may enter, at reasonable
30 times and without notice, any mobile home park or dealer's place of busi-
31 ness or any factory, warehouse or establishment in which mobile homes
32 are manufactured, stored or held for sale and inspect at reasonable times
33 in a reasonable manner the premises and books, papers, records and docu-
34 ment which are relevant to the manufacture and sale of mobile homes
35 and compliance with the National Mobile Home Construction and Safety
36 Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.) [A district court]
37 and to compliance by landlords of mobile home parks with the prohibi-
38 tion in NRS 118.270 against charging or receiving any entrance or exit
39 fee. A magistrate shall issue a warrant to permit an inspection if the
40 administrator has shown:

41 (a) Evidence that a violation of a provision of this chapter or of the
42 prohibition in NRS 118.270 against charging or receiving any entrance
43 or exit fee has been committed or is being committed; or

44 (b) That the business has been chosen for an inspection on the basis
45 of a general administrative plan for the enforcement of the provisions
46 of this chapter.

47 SEC. 19. NRS 489.311 is hereby amended to read as follows:

48 489.311 [1.] Except as provided by NRS 489.331, no person may

1 engage in the business of a new or used mobile home dealer, manu-
2 facturer, rebuilder, serviceman or installer of a mobile home or com-
3 mercial coach in this state, or be entitled to any other license or permit
4 required by this chapter, until he has applied for and has been issued a
5 dealer's, manufacturer's, rebuilder's, serviceman's or installer's license
6 by the division.

7 [2. The division shall investigate any applicant for a license and
8 complete an investigation report on a form provided by the division.]

9 SEC. 20. NRS 489.321 is hereby amended to read as follows:

10 489.321 1. Applications for a manufacturer's, dealer's, rebuilder's,
11 serviceman's or installer's license must be filed upon forms supplied by
12 the division, and the applicant shall furnish:

13 (a) Any proof the division may deem necessary that the applicant is
14 a manufacturer, dealer, rebuilder, serviceman or installer.

15 (b) Any proof the division may require that the applicant has an
16 established place of business for the sale and display of mobile homes
17 in the state.

18 (c) *Any proof the division may require of the applicant's good char-*
19 *acter and reputation and of his fitness to engage in the activities for*
20 *which the license is sought.*

21 (d) *A complete set of his fingerprints and written permission author-*
22 *izing the administrator to forward those fingerprints to the Federal*
23 *Bureau of Investigation for its report. The administrator may exchange*
24 *with the Federal Bureau of Investigation any information respecting the*
25 *fingerprints of an applicant under this section.*

26 (e) In the case of a dealer of new mobile homes, an instrument in the
27 form prescribed by the division executed by or on behalf of the manu-
28 facturer certifying that the applicant is an authorized franchise dealer
29 for the make or makes concerned.

30 [(d)] (f) If the application is for a license as a manufacturer,
31 dealer or rebuilder, a good and sufficient bond in the amount of \$10,000,
32 the surety for which is a corporation licensed to do business as a surety
33 in this state, which has been approved as to form by the attorney gen-
34 eral. The bond must be conditioned on the conduct of business by the
35 applicant without fraud or fraudulent misrepresentation and without
36 violation of any provision of this chapter, including fraud or violation
37 by salesmen of dealers and rebuilders acting within the scope of employ-
38 ment, and must provide that any person injured by an action of the
39 dealer, rebuilder, manufacturer or salesman may bring an action on
40 the bond.

41 [(e)] (g) In lieu of a bond, an applicant or licensee may deposit
42 with the state treasurer, under terms prescribed by the division:

43 (1) A like amount of lawful money of the United States or bonds
44 of the United States or the State of Nevada of an actual market value
45 [of] not less than the amount fixed by the division; or

46 (2) A savings certificate of a bank, building and loan association
47 or savings and loan association situated in Nevada which indicates an
48 account of an amount equal to the amount of the required bond, and
49 which indicates that the amount cannot be withdrawn except upon order

1 of the division. Interest earned on the account accrues to the applicant
2 or licensee.

3 **[(f)]** (h) A reasonable fee fixed by regulation.

4 **[(g)]** (i) Any additional requirements the division may from time
5 to time prescribe by regulation.

6 2. **[Upon receipt of an application and when satisfied that the**
7 **applicant is entitled to it,]** *Within 120 days after receipt of a complete*
8 *application, the division shall thoroughly investigate the information*
9 *contained in the application. The investigation must include a review*
10 *of any criminal records pertaining to the applicant which the division*
11 *can obtain.*

12 3. *The administrator may issue a provisional license pending receipt*
13 *of the report from the Federal Bureau of Investigation. Upon receipt of*
14 *the report and a determination by the administrator that the applicant*
15 *is qualified, the division shall issue to the applicant a dealer's, manu-*
16 *facturer's, installer's, rebuilder's or serviceman's license certificate con-*
17 *taining the applicant's name and the address of his fixed place of*
18 *business.*

19 **[3.]** 4. Each license is valid for a period of 2 years from the date
20 of issuance and may be renewed for like consecutive periods upon
21 application to and approval by the division.

22 **SEC. 21.** NRS 489.341 is hereby amended to read as follows:

23 489.341 1. A person may not engage in the activity of a salesman
24 of a mobile home or commercial coach in this state without first having
25 received a license from the division. Before issuing a license to engage
26 in the activity of a salesman, the division shall require:

27 (a) An application, signed and verified by the applicant, stating that
28 the applicant is to engage in the activity of a salesman, his residence
29 address, and the name and address of his employer.

30 (b) Proof of the employment of the applicant by a licensed dealer
31 or rebuilder at the time the application is filed.

32 (c) *Proof of the applicant's good character and reputation and of his*
33 *fitness to engage in the activity of a salesman.*

34 (d) *A complete set of his fingerprints and written permission author-*
35 *izing the administrator to forward those fingerprints to the Federal*
36 *Bureau of Investigation for its report. The administrator may exchange*
37 *with the Federal Bureau of Investigation any information respecting*
38 *the fingerprints of an applicant under this section.*

39 (e) A statement as to whether any previous application of the appli-
40 cant has been denied or license revoked.

41 **[(d)]** (f) Payment of a reasonable license fee established by regu-
42 lation.

43 **[(e)]** (g) Any other information the division deems necessary.

44 2. *Within 120 days after receipt of a complete application, the*
45 *division shall thoroughly investigate the information contained in the*
46 *application. The investigation must include a review of any criminal*
47 *records pertaining to the applicant which the division can obtain.*

48 3. *The administrator may issue a provisional license pending receipt*
49 *of the report from the Federal Bureau of Investigation. Upon receipt of*
50 *the report and a determination by the administrator that the applicant*

1 *is qualified, the division shall issue to the applicant a salesman's license*
2 *certificate containing the applicant's name and the address of his employ-*
3 *er's place of business.*

4 4. Each license is valid for a period of 2 years from the date of
5 issuance and may be renewed for like consecutive periods upon applica-
6 tion to and approval by the division.

7 [3.] 5. A salesman may not engage in sales activity other than for
8 the account of or for and in behalf of a single employer who is a licensed
9 dealer or rebuilder.

10 [4.] 6. A salesman's license issued under this section may be trans-
11 ferred to another dealer or rebuilder upon application and the payment
12 of a transfer fee of \$2. When a salesman holding a current salesman's
13 license leaves the employment of one dealer or rebuilder for that of
14 another, the new employer may employ the salesman pending the trans-
15 fer of the salesman's license to his dealership or rebuilding business if
16 the transfer is completed within 10 days.

17 [5.] 7. A salesman's license must be posted in a conspicuous place
18 on the premises of the dealer or rebuilder for whom he is licensed to
19 sell mobile homes or commercial coaches.

20 [6.] 8. If a salesman ceases to be employed by a licensed dealer
21 or rebuilder, his license to act as a salesman is automatically suspended
22 and his right to act as a salesman shall thereupon immediately cease, and
23 he shall not engage in the activity of a salesman until reemployed by a
24 licensed dealer or rebuilder. Every licensed salesman shall report in writ-
25 ing to the division every change in his place of employment, or termina-
26 tion of employment within 5 days of the date of making the change.

27 SEC. 22. NRS 489.351 is hereby amended to read as follows:

28 489.351 The division [may] shall require oral or written examina-
29 tions of the applicants for [an] a dealer's, installer's, salesman's or serv-
30 iceman's license.

31 SEC. 23. NRS 489.571 is hereby amended to read as follows:

32 489.571 1. Whenever a security interest is created in a mobile home
33 or commercial coach, the certificate of ownership must be delivered to
34 the division with a statement signed by the debtor showing the date of
35 the security agreement, the names and addresses of the debtor and the
36 secured party.

37 2. The division shall issue to the secured party a certificate of owner-
38 ship with the name and address of the secured party and the name and
39 address of the registered owner noted on it.

40 3. When the contract or terms of the security agreement have been
41 fully performed, the seller or other secured party who holds the certifi-
42 cate of ownership shall deliver the certificate to the person legally
43 entitled to it with proper evidence of the termination or release of the
44 security interest.

45 4. *When a mobile home becomes real property, the dealer or owner*
46 *shall deliver all documents relating to the mobile home in its former*
47 *condition as personal property to the division within 45 days after the*
48 *date on which the conversion took place.*

49 SEC. 24. NRS 118.270 is hereby amended to read as follows:

1 118.270 The landlord or his agent or employee shall not:

2 1. Charge or receive:

3 (a) Any entrance or exit fee [to a tenant] for assuming or leaving
4 occupancy of a mobile home lot.

5 (b) Any transfer or selling fee or commission as a condition to per-
6 mitting a tenant to sell his mobile home within the mobile home park
7 even if the mobile home is to remain within the park, unless the land-
8 lord has acted as the mobile home owner's agent in the sale pursuant
9 to a written contract.

10 (c) Any security or damage deposit the purpose of which is to avoid
11 compliance with the provisions of subsection 5.

12 (d) Any fee for the tenant's spouse or children other than as pro-
13 vided in the lease.

14 (e) Any unreasonable fee for pets kept by a tenant in the park. If
15 special facilities or services are provided, the landlord may also charge
16 a fee reasonably related to the cost of maintenance of the facility or
17 service and the number of pets kept in the facility.

18 2. Increase rent or service fees unless:

19 (a) The rental rates or the increase in service fees applies in a uni-
20 form manner to all tenants similarly situated or, if it is a service fee,
21 to a given circumstance, except that a discount may be selectively given
22 to persons who are handicapped or who are 62 years of age or older; and

23 (b) Written notice advising a tenant of the increase is sent to the
24 tenant 60 days in advance of the first payment to be increased and
25 written notice of the increase is given to prospective tenants on or
26 before commencement of their tenancy.

27 3. Deny any tenant the right to sell his mobile home within the park
28 or require the tenant to remove the mobile home from the park solely
29 on the basis of such sale, except as provided in NRS 118.280.

30 4. Prohibit any tenant desiring to sell his mobile home within the
31 park from advertising the location of the mobile home and the name of
32 the mobile home park or prohibit the tenant from displaying at least one
33 sign of reasonable size advertising the sale of the mobile home.

34 5. Prohibit any meetings held in the park's community or recreation
35 facility by the tenants or occupants of any mobile home in the park to
36 discuss mobile home living and affairs, or any tenant-sponsored political
37 meeting, if such meetings are held at reasonable hours and when the
38 facility is not otherwise in use.

39 6. Interrupt, with the intent to terminate occupancy, any utility
40 service furnished the tenant except for nonpayment of utility charges
41 when due. Any landlord who violates this subsection is liable to the
42 tenant for actual damages and \$100 in exemplary damages for each day
43 that the tenant is deprived of utility service.

44 7. Require that he be an agent of an owner of a mobile home who
45 desires to sell the mobile home.

46 8. Unless prohibited by a written lease or a general rule or regula-
47 tion of the park if there is no written lease, unreasonably prohibit a
48 tenant from subleasing his mobile home lot if the prospective subtenant
49 meets the general requirements for tenancy in the park.

50 Sec. 25. NRS 361.244 is hereby amended to read as follows:

1 361.244 1. A mobile home, as defined in NRS 361.561, [consti-
2 tutes] is eligible to become real property if the running gear is removed
3 and:

4 (a) It becomes, on or after July 1, 1979, permanently affixed to land
5 which is owned by the owner of the mobile home; or

6 (b) It became so affixed before July 1, 1979, and the owner files with
7 the county assessor by May 1, 1980, a statement declaring his desire to
8 have the mobile home classified as real property.

9 2. A mobile home becomes real property when the assessor of the
10 county in which the mobile home is located has placed it on the tax roll
11 as real property. The assessor shall not place a mobile home on the tax
12 roll until:

13 (a) He has received verification from the manufactured housing divi-
14 sion of the department of commerce that there is no security interest in
15 the mobile home; or

16 (b) Holders of security interests have agreed in writing to the conver-
17 sion of the mobile home to real property.

18 3. Factory-built housing, as defined in NRS 461.080, constitutes real
19 property if:

20 (a) It becomes, on or after July 1, 1979, permanently affixed to land
21 which is owned by the owner of the factory-built housing; or

22 (b) It became so affixed before July 1, 1979, and the owner files with
23 the county assessor by May 1, 1980, a statement declaring his desire to
24 have the factory-built housing classified as real property.

25 SEC. 26. Each person who holds a dealer's, installer's, salesman's
26 or serviceman's license on July 1, 1981, must take and pass the examina-
27 tion provided for in NRS 489.351 before his license may be renewed.

28 SEC. 27. There is hereby appropriated from the manufactured hous-
29 ing fund created by NRS 489.491 to the fund for education and recovery
30 relating to mobile homes created by section 2 of this act the sum of
31 \$130,000.

32 SEC. 28. Section 18 of this act shall become effective at 12:01 a.m.
33 on July 1, 1981.

ASSEMBLY BILL 391

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 391

ASSEMBLY BILL NO. 391—ASSEMBLYMAN JEFFREY

MARCH 30, 1981

Referred to Committee on Commerce

SUMMARY—Makes various amendments to provisions of law governing manufactured housing. (BDR 43-1183)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to manufactured housing; making various amendments to the provisions of law governing manufactured housing; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 489 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 7, inclusive, of this act.
- 3 SEC. 2. 1. *Full disclosure of all terms and conditions of an offer*
- 4 *to sell, buy or lease a used mobile home or commercial coach must be*
- 5 *set forth in writing and signed by the seller, buyer and dealer.*
- 6 2. *Any offer to purchase or lease a used mobile home or commercial*
- 7 *coach must be submitted within 5 days after the offer is made to the*
- 8 *owner or his authorized agent for approval or disapproval. The offer*
- 9 *must be in writing and signed and dated by the person making the offer*
- 10 *and by the dealer.*
- 11 3. *No person may offer a used mobile home or commercial coach*
- 12 *for sale or lease without the consent of the owner or his authorized agent.*
- 13 SEC. 3. 1. *If an inspection reveals that a mobile home or com-*
- 14 *mmercial coach is constructed or maintained in violation of this chapter,*
- 15 *the division may order its use discontinued and the mobile home or*
- 16 *commercial coach, or any portion thereof, vacated.*
- 17 2. *The order to vacate must be served upon the person using the*
- 18 *mobile home or commercial coach and copies of the order must also be*
- 19 *posted at or upon each exit of the mobile home or commercial coach.*
- 20 3. *The order to vacate must include a reasonable period of time*
- 21 *within which the violation may be corrected.*
- 22 4. *No person may occupy or use the mobile home or commercial*
- 23 *coach in violation of the order to vacate.*
- 24 SEC. 4. 1. *Whenever any construction, rebuilding or other work is*

1 performed in violation of this chapter or any regulation adopted pur-
2 suant to this chapter, the division may order the work stopped.

3 2. The order to stop work must be served upon the person doing the
4 work or upon the person causing the work to be done. The person
5 served with the order shall immediately cease the work until authorized
6 by the division to continue it.

7 3. A copy of the order to stop work must be posted at or upon a
8 recognized entrance of the mobile home or commercial coach.

9 SEC. 5. 1. No person may perform the tasks of a responsible manag-
10 ing employee of an employer who sells, leases, reconstructs, improves
11 or repairs or installs any mobile home or commercial coach subject to the
12 provisions of this chapter unless that person has obtained a license from
13 the division to engage in that occupation.

14 2. To become licensed as a responsible managing employee the
15 applicant must submit:

16 (a) An application, signed and verified by the applicant, stating that
17 the applicant desires to be licensed as a responsible managing employee
18 and stating his residence address and the name and address of his
19 employer.

20 (b) Proof of the employment of the applicant at the time the applica-
21 tion is filed.

22 (c) Proof of the applicant's good character and reputation and of his
23 fitness to engage in the activity of a responsible managing employee.

24 (d) A complete set of his fingerprints and written permission author-
25 izing the administrator to forward those fingerprints to the Federal
26 Bureau of Investigation for its report. The administrator may exchange
27 with the Federal Bureau of Investigation any information respecting the
28 fingerprints of an applicant under this section.

29 (e) A statement as to whether any previous application of the appli-
30 cant has been denied or license revoked.

31 (f) Payment of a reasonable fee established by regulation.

32 (g) Any other information the division deems necessary.

33 3. Within 120 days after receipt of a complete application, the
34 division shall thoroughly investigate the information contained in the
35 application. The investigation must include a review of any criminal
36 records pertaining to the applicant which the division can obtain.

37 4. The administrator may issue a temporary license pending receipt
38 of the report from the Federal Bureau of Investigation. Upon receipt of
39 the report and after a determination by the administrator that the appli-
40 cant is qualified, the division shall issue to the applicant a license certi-
41 ficate permitting the applicant to perform the duties of a responsible
42 managing employee. The certificate must include the applicant's name
43 and the address of his employer's place of business.

44 5. Each license is valid for a period of 2 years from the date of
45 issuance and may be renewed at 2-year intervals upon application to and
46 approval by the division.

47 6. A responsible managing employee may not engage in activity other
48 than on behalf of a single employer who is licensed by the division.

49 7. A responsible managing employee's license issued under this sec-
50 tion may be transferred between employers upon application and payment

1 of a fee of \$2. When a responsible managing employee holding a current
2 license leaves the employment of one person for that of another, the new
3 employer may employ the responsible managing employee for no more
4 than 10 days, pending the transfer of the license to his business.

5 8. A responsible managing employee's license must be posted in a
6 conspicuous place on the premises of his place of employment.

7 9. If a responsible managing employee ceases to be employed, his
8 license is automatically suspended and he shall not engage in the activity
9 of a responsible managing employee until reemployed. Every licensed
10 responsible managing employee shall report in writing to the division
11 every change in his place of employment or termination of employment
12 within 5 days of the date of making the change or terminating employ-
13 ment.

14 10. The division shall require oral or written examinations of the
15 applicants for a responsible managing employee's license.

16 SEC. 6. To open a branch office, a dealer, installer, rebuilder or
17 serviceman, as the case may be, must:

18 1. Obtain a license from the division to operate the branch office;

19 2. File a \$1,000 surety bond with the division for each branch office;
20 and

21 3. Provide for direct supervision of the branch office, either by him-
22 self or by employing a responsible managing employee.

23 SEC. 7. If a dealer, installer, rebuilder or serviceman absents himself
24 from his place of business for more than 30 consecutive days, he shall
25 employ a responsible managing employee to manage and supervise his
26 business during his absence.

27 SEC. 8. NRS 489.051 is hereby amended to read as follows:

28 489.051 "Certificate of compliance" means a certificate issued by
29 [the State of Nevada] this state certifying that the plumbing, heating,
30 electrical systems, body and frame design and construction requirements
31 of a mobile home, travel trailer or commercial coach [are installed in
32 compliance with the American National Standards] comply with stan-
33 dards set by the division and applicable at the time of manufacture.

34 SEC. 9. NRS 489.076 is hereby amended to read as follows:

35 489.076 "Dealer" means any person who:

36 1. For compensation, money or other things of value, sells,
37 exchanges, buys or offers for sale, negotiates or attempts to negotiate a
38 sale or exchange of an interest in a mobile home or commercial coach
39 subject to the requirements under this chapter or induces or attempts to
40 induce any person to buy or exchange an interest in a mobile home or
41 commercial coach;

42 2. Receives or expects to receive a commission, money, brokerage
43 fees, profit or any other thing of value from either the seller or purchaser
44 of any mobile home or commercial coach; [or]

45 3. Is engaged wholly or in part in the business of selling mobile
46 homes or commercial coaches, or buying or taking them in trade for the
47 purpose of resale, selling, or offering for sale or consignment to be sold
48 or otherwise dealing in mobile homes or commercial coaches [,] ; or

49 4. Rents, leases or offers to rent or lease a commercial coach,
50 whether or not they are owned by such persons.

1 SEC. 10. NRS 489.135 is hereby amended to read as follows:

2 489.135 1. "Rebuilder" means a person engaged in the business of
3 reconstructing mobile homes or commercial coaches by the alteration,
4 addition or substitution of substantial or essential parts.

5 2. Nothing in this section [shall be construed to require] requires
6 any licensed new [or used] mobile home or commercial coach dealer
7 to secure a license as a rebuilder in conjunction with rebuilding in his
8 own facilities [.] by his employees.

9 SEC. 11. NRS 489.241 is hereby amended to read as follows:

10 489.241 The administrator shall adopt regulations:

11 1. Embodying the fundamental principles of the National Mobile
12 Home Construction and Safety Standards Act (42 U.S.C. §§ 5401 et
13 seq.) with respect to mobile homes. [and by the American National
14 Standards Institute or National Fire Protection Association with respect
15 to travel trailers and commercial coaches.]

16 2. *For the construction and assembly of travel trailers and commer-*
17 *cial coaches that are reasonably consistent with nationally recognized*
18 *standards.*

19 3. For the issuance of labels [to manufacturers of travel trailers or
20 commercial coaches to be affixed by manufacturers.] of compliance. The
21 regulations must provide for, without limitation:

22 (a) Inplant inspections;

23 (b) Submission and approval of plans and specifications; and

24 (c) Revocation for cause, upon notice and hearing, of the right of a
25 manufacturer to sell *mobile homes*, travel trailers or commercial coaches
26 in this state for use in this state.

27 SEC. 12. NRS 489.261 is hereby amended to read as follows:

28 489.261 1. The administrator may adopt regulations pertaining to:

29 (a) The alteration of plumbing, heating or electrical systems of a
30 mobile home or commercial coach.

31 (b) The construction [and] , installation *and use* of accessory build-
32 ings, structures, *devices which burn solid fuel* and air-conditioning for
33 mobile homes consistent with nationally recognized construction stand-
34 ards, except where those standards conflict with the standards adopted
35 under the National Mobile Home Construction Act (42 U.S.C. §§ 5401
36 et seq.) and would prevent enforcement of that act in this state.

37 2. Every city or county building department shall enforce all reg-
38 ulations adopted pursuant to this chapter and make all inspections in their
39 respective jurisdictions required by the regulations pertaining to the setup,
40 tiedown and installation of mobile homes or commercial coaches except
41 as otherwise provided in this subsection. If any city or county building
42 department fails to enforce the regulations or make the inspections
43 required by them, the division shall enforce the regulations and make
44 the inspections in that jurisdiction and may engage an independent con-
45 tractor to perform any inspection.

46 3. Local governing bodies may adopt ordinances at least as stringent
47 as the applicable state or federal statutes or regulations.

48 4. As used in this section, "accessory building" or "accessory
49 structure" includes awnings, cabanas, carports, porches, skirting or steps

1 established for the use of the occupant of the mobile home and which
2 depends upon the mobile home for some or all of its structural support.

3 SEC. 13. NRS 489.321 is hereby amended to read as follows:

4 489.321 1. Applications for a manufacturer's, dealer's, rebuilder's,
5 serviceman's or installer's license must be filed upon forms supplied by
6 the division, and the applicant shall furnish:

7 (a) Any proof the division may deem necessary that the applicant is
8 a manufacturer, dealer, rebuilder, serviceman or installer.

9 (b) Any proof the division may require that the applicant has an
10 established place of business for the sale and display of mobile homes in
11 the state.

12 (c) In the case of a dealer of new mobile homes, an instrument in the
13 form prescribed by the division executed by or on behalf of the manu-
14 facturer certifying that the applicant is an authorized franchise dealer
15 for the make or makes concerned.

16 (d) If the application is for a license as [a manufacturer, dealer or
17 rebuilder, a good and sufficient bond in the amount of \$10,000, the
18 surety for which is a corporation licensed to do business as a surety in
19 this state, which has been approved as to form by the attorney general.
20 The bond must be conditioned on the conduct of business by the appli-
21 cant without fraud or fraudulent misrepresentation and without violation
22 of any provision of this chapter, including fraud or violation by salesmen
23 of dealers and rebuilders acting within the scope of employment, and
24 must provide that any person injured by an action of the dealer, rebuilder,
25 manufacturer or salesman may bring an action on the bond.] :

26 (1) *A manufacturer, dealer or rebuilder, a good and sufficient bond*
27 *in the amount of \$10,000; or*

28 (2) *An installer or serviceman, a good and sufficient bond in the*
29 *amount of \$5,000,*

30 *the surety for which is a corporation licensed to do business as a surety*
31 *in this state, which has been approved as to form by the attorney gen-*
32 *eral. The bond must be conditioned on the conduct of business by the*
33 *applicant without fraud or fraudulent misrepresentation and without*
34 *violation of any provision of this chapter, including fraud or violation*
35 *by salesmen of dealers and rebuilders or employees of installers and*
36 *servicemen, as the case may be, acting within the scope of employment.*
37 *The bond must further provide that any person injured by an action*
38 *of the dealer, rebuilder, manufacturer, salesman or installer, serviceman*
39 *or employee, as the case may be, may bring an action on the bond. A*
40 *licensed manufacturer, dealer or rebuilder who is also a licensed installer*
41 *or serviceman and who has furnished a \$10,000 bond is not required to*
42 *furnish a \$5,000 bond.*

43 (e) In lieu of a bond, an applicant or licensee may deposit with the
44 state treasurer, under terms prescribed by the division:

45 (1) A like amount of lawful money of the United States or bonds
46 of the United States or the State of Nevada of an actual market value
47 of not less than the amount fixed by the division; or

48 (2) A savings certificate of a bank, building and loan association
49 or savings and loan association situated in Nevada which indicates an
50 account of an amount equal to the amount of the required bond, and

1 which indicates that the amount cannot be withdrawn except upon order
2 of the division. Interest earned on the account accrues to the applicant
3 or licensee.

4 (f) A reasonable fee fixed by regulation.

5 (g) Any additional requirements the division may from time to time
6 prescribe by regulation.

7 2. Upon receipt of an application and when satisfied that the appli-
8 cant is entitled to it, the division shall issue to the applicant a dealer's,
9 manufacturer's, installer's, rebuilder's or serviceman's license certificate
10 containing the applicant's name and the address of his fixed place of
11 business.

12 3. Each license is valid for a period of 2 years from the date of
13 issuance and may be renewed for like consecutive periods upon applica-
14 tion to and approval by the division.

15 SEC. 14. NRS 489.451 is hereby amended to read as follows:

16 489.451 1. Every commercial coach manufactured on or after July
17 1, 1977, which is *rented, leased or sold* or offered for *rent, lease or sale*
18 in this state must bear a certificate or label of compliance issued by this
19 state certifying that the commercial coach was constructed in compliance
20 with the standards applicable at the time of manufacture.

21 2. A certificate or label of compliance may be issued upon an
22 inspection of the plans for or an actual inspection of the mobile home,
23 travel trailer or commercial coach.

24 3. A mobile home, travel trailer or commercial coach which bears a
25 label or other certificate by another state which the administrator finds
26 has a competent inspection program or a label of compliance issued by
27 a firm licensed under the provisions of this chapter is deemed to meet
28 the requirements of this state, and the division shall issue a label upon
29 application and proof that the mobile home, commercial coach or travel
30 trailer meets the requirements of this chapter.

31 SEC. 15. NRS 489.491 is hereby amended to read as follows:

32 489.491 1. All fees collected pursuant to the provisions of this
33 chapter must be deposited in the state treasury for credit to the manu-
34 factured housing fund which is hereby created as a special revenue fund.
35 All expenses of the enforcement of this chapter must be paid from the
36 fund.

37 2. The fund may not be used for any purpose, except the regulation
38 of mobile homes, travel trailers and commercial coaches [.] and the
39 *administration of chapter 461 of NRS.*

40 3. Claims against the fund must be paid as other claims against the
41 state are paid.

42 SEC. 16. NRS 489.501 is hereby amended to read as follows:

43 489.501 1. When a new mobile home or commercial coach is sold
44 in this state by a dealer, he shall complete a dealer's report of sale. The
45 dealer's report of sale must be in a form prescribed by the division and
46 include a description of the mobile home or commercial coach, the name
47 and address of the seller and the name and address of the buyer. If in
48 connection with the sale a security interest is taken or retained by the
49 seller to secure all or part of the purchase price, or a security interest is
50 taken by a person who gives value to enable the buyer to acquire rights

1 in the mobile home or commercial coach, the name and address of the
2 secured party or his assignee must be entered on the dealer's report of
3 sale.

4 2. The seller shall submit the original of the dealer's report of sale
5 and the manufacturer's certificate or statement of origin to the division
6 within [10] 30 days after the execution of all instruments which the con-
7 tract of sale required to be executed at the time of sale or within [10]
8 30 days after the date of sale, whichever is later, unless an extension of
9 time is granted by the division.

10 3. A dealer who sells a new mobile home or commercial coach shall
11 deliver the buyer's copy of the report of sale to him at the time of sale
12 and submit another copy within [10] 30 days after the date of the sale
13 to the county assessor of the county in which the mobile home or com-
14 mercial coach will be located.

15 SEC. 17. NRS 489.531 is hereby amended to read as follows:

16 489.531 1. The [department] division shall not issue a certificate
17 of ownership of a used mobile home unless the county assessor of the
18 county in which the mobile home was situated at the time of sale has
19 endorsed on the certificate that all personal property taxes due on that
20 mobile home in that county for any part of the 12 months immediately
21 preceding the date of the sale have been paid.

22 2. Every certificate of ownership issued for a used mobile home
23 must contain a warning, printed or stamped on its face in red, to the
24 effect that title to a used mobile home does not pass until the county
25 assessor of the county in which the mobile home was situated at the time
26 of the sale has endorsed on the certificate that all personal property taxes
27 due on that mobile home in that county for any part of the 12 months
28 immediately preceding the date of sale have been paid.

29 SEC. 18. NRS 489.621 is hereby amended to read as follows:

30 489.621 1. Except as provided in NRS 489.611, [the owner of any]
31 any person who moves a mobile home or commercial coach [moved]
32 upon any highway or road in this state shall, before that movement, apply
33 to the county assessor for a mobile home or commercial coach trip per-
34 mit. The assessor of the county from which the mobile home is to be
35 moved shall issue a trip permit for each section of the mobile home or
36 commercial coach upon application presented in the form prescribed by
37 the division, payment of a fee of [\$2,] \$3 for each permit, and proof
38 satisfactory to the assessor of ownership and that all property taxes, and
39 use taxes if applicable, levied against the mobile home or commercial
40 coach and its contents have been paid.

41 2. The trip permit authorizes movement over the highways and roads
42 for a period of not more than 5 consecutive days following the date of
43 issuance and the application and permit respectively must be used in lieu
44 only of any certificate of registration and vehicle license number plate
45 required by law.

46 SEC. 19. NRS 489.641 is hereby amended to read as follows:

47 489.641 1. The division shall determine the size, shape and form of
48 the trip permit which may be part of a single form also containing the
49 application for the permit. Each permit must bear the month and day of

1 expiration in numerals of sufficient size to be plainly readable from a
2 reasonable distance during daylight.

3 2. The trip permit must be prominently displayed on the rear of *each*
4 *section* of the mobile home or commercial coach in the manner prescribed
5 by the division at all times during which the mobile home or commercial
6 coach is moved upon any highway or road. The permit must be made and
7 displayed in a manner that renders the permit unusable when removed
8 from the mobile home or commercial coach.

9 SEC. 20. NRS 489.801 is hereby amended to read as follows:

10 489.801 1. It is unlawful for any person to manufacture any mobile
11 home or travel trailer or any commercial coach unless the mobile home,
12 travel trailer or commercial coach and its components and systems are
13 constructed and assembled according to the standards prescribed pur-
14 suant to the provisions of this chapter.

15 2. It is unlawful for any person knowingly to sell or offer for sale
16 any mobile home which has been constructed on or after June 15, 1976,
17 unless the mobile home and its components and systems have been
18 constructed and assembled according to the standards prescribed pur-
19 suant to the National Mobile Home Construction and Safety Standards
20 Act of 1974 (42 U.S.C. §§ 5401 et seq.).

21 3. Any person who knowingly sells or offers to sell in this state any
22 mobile home, travel trailer or commercial coach for which a certificate
23 or label of compliance is required under this chapter, which does not
24 bear a certificate or label of compliance, is liable for the penalties pro-
25 vided in NRS 489.811 and 489.821.

26 4. *It is unlawful for any person to issue a certification which states*
27 *that a mobile home conforms to all applicable federal standards for*
28 *safety and construction if that person, in the exercise of due care, has*
29 *reason to know that the certification is false or misleading in any material*
30 *respect.*

31 5. *It is unlawful for a manufacturer to fail to furnish notification of*
32 *defects relating to construction or safety, as required by the National*
33 *Mobile Home Construction and Safety Act of 1974 (42 U.S.C. § 5414).*

34 6. *It is unlawful for any person to fail or refuse to permit access*
35 *by the administrator to the documentary materials set forth in NRS*
36 *489.231.*

37 7. *It is unlawful for any person, without authorization from the*
38 *division, to disclose or obtain the contents of an examination given by*
39 *the division.*

40 8. *It is unlawful for any person to use a mobile home or commercial*
41 *coach as living quarters or for human occupancy, respectively, if:*

42 (a) *The mobile home or commercial coach violates a standard of*
43 *safety set forth in regulations adopted pursuant to subsection 1 of NRS*
44 *489.251, concerning installation, tiedown, and support of mobile homes*
45 *and commercial coaches; or*

46 (b) *A condition exists in the mobile home or commercial coach which*
47 *poses an unreasonable risk to the safety of its occupants or the public.*

48 SEC. 21. NRS 489.821 is hereby amended to read as follows:

49 489.821 1. A person is guilty of a gross misdemeanor who know-
50 ingly:

1 (a) Makes any false entry on any certificate of origin or certificate
2 of ownership.

3 (b) Furnishes false information to the division concerning any security
4 interest.

5 (c) Files with the administrator any notice, statement or other docu-
6 ment required under the provisions of this chapter which is false or
7 contains any material misstatement of fact.

8 (d) *And in the capacity of director, officer or agent of a corporation,*
9 *violates a provision of the National Mobile Home Construction and*
10 *Safety Standards Act (42 U.S.C. §§ 5401 et seq.), causing a condition*
11 *which endangers the health or safety of a purchaser of a mobile home or*
12 *commercial coach.*

13 2. Except as provided in subsections 1 and 3 of this section, any
14 person who knowingly or willfully violates any of the provisions of this
15 chapter is guilty of a misdemeanor.

16 3. Subsection 2 does not apply to a manufacturer of travel trailers.

17 SEC. 22. Chapter 461 of NRS is hereby amended by adding thereto
18 a new section which shall read as follows:

19 *All fees collected pursuant to this chapter must be deposited in the*
20 *state treasury for credit to the manufactured housing fund. All expenses*
21 *for the enforcement of this chapter must be paid from the fund.*

22 SEC. 23. NRS 489.041 is hereby repealed.

HOY & MILLER, CHARTERED
ATTORNEYS AND COUNSELLORS AT LAW

DAVID R. HOY
350 SOUTH CENTER STREET
SUITE 550
RENO, NEVADA 89501
(702) 786-8000

May 28, 1981

JOHN C. MILLER
BLOHM BUILDING
SUITE 201
ELKO, NEVADA 89801
(702) 738-8064

Senator Spike Wilson, Chairman
Senate Committee on Commerce
Nevada State Legislature

Dear Senator Wilson:

As requested by you and Senator Close, I suggest the following amendments to AB 599:

In lieu of lines 11 through 14 of page 1, the following language should be inserted:

shall have in residence a registered professional engineer in direct responsible supervision of [such] the engineering work conducted in the office or place of business. No branch of professional engineering may be practiced in an office or place of business that does not have a professional engineer qualified in the branch of professional engineering practiced therein in direct supervision of the work.

I don't know that this language says it any better than the original Bill. As indicated in testimony, it is the purpose of the Bill to insure that the work in a particular branch of engineering is supervised by a person licensed in that particular branch. It was not the intent to require that each engineering office have in-house, in residence, an engineer in every branch of engineering. Perhaps the following language might be inserted to clarify the point.

After line 22, insert the following:

3. Subsection 2 does not prevent an engineer qualified in one branch of engineering from referring engineering work of another branch to another office or place of business which is under the supervision of an engineer qualified in such other branch of engineering.

Senator Spike Wilson, Chairman
May 28, 1981
Page Two

I hope that the Committee will see the necessity of this Bill and recognize that the Board is merely trying to prevent the practice of engineering work being performed without proper supervision of an engineer qualified in the particular branch of work being performed.

If I can be of any further assistance, please let me know.

Kindest personal regards.

Very truly yours,

HOY & MILLER, CHARTERED

By



David R. Hoy

DRH:jj

A. B. 599

ASSEMBLY BILL NO. 599—COMMITTEE ON COMMERCE

MAY 4, 1981

Referred to Committee on Commerce

SUMMARY—Strengthens professional monopoly of professional engineers.
(BDR 54-1787)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to professional engineers; strengthening their professional monopoly by revising certain statutes; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 625.240 is hereby amended to read as follows:

2 625.240 1. A firm, a copartnership, a corporation or a joint-stock
3 association may engage in the practice of professional engineering in this
4 state [.] if the member or members of the firm, copartnership, corporation
5 or joint-stock association immediately responsible for engineering
6 work performed in this state are registered professional engineers under
7 the provisions of this chapter.

8 2. Every office or place of business of any firm, copartnership, corporation
9 or joint-stock association engaged in the practice of professional
10 engineering shall have *in residence* a registered professional
11 engineer [in residence] *who is qualified to practice the branch of professional
12 engineering which is being performed and who is in direct,*
13 *responsible supervision of the engineering work conducted in [such] the*
14 *office or place of business. The provisions of this subsection do not apply*
15 *to firms, copartnerships, corporations or joint-stock associations:*

16 (a) Practicing professional engineering for their own benefit and not
17 engaging in the practice of professional engineering for others or offering
18 professional engineering services to others.

19 (b) Engaged in the practice of professional engineering at offices
20 established for limited or temporary purposes, such as offices established
21 for the convenience of field survey crews, or offices established for construction
22 inspection.

23 SEC. 2. NRS 625.500 is hereby amended to read as follows:

24 625.500 The registration requirements of this chapter do not apply
25 to the employees of interstate or intrastate public utility companies while

1 they are engaged in work for such companies. [Or to any architect regis-
2 tered under the provisions of chapter 623 of NRS and who practices
3 architecture as permitted by chapter 623 of NRS.]

4 SEC. 3. NRS 625.520 is hereby amended to read as follows:

5 625.520 1. It is unlawful for:

6 (a) Any person, firm, partnership or corporation not properly licensed
7 or exempted under the provisions of this chapter to:

8 (1) Practice, continue to practice, offer to practice or attempt to
9 practice engineering or any branch thereof;

10 (2) Employ, use or cause to be used any of the following terms or
11 any combination, variation or abbreviation thereof as a professional or
12 commercial identification, representation, claim, asset or means of advan-
13 tage or benefit, namely, "engineer," "engineering," "engineered," "pro-
14 fessional engineer" or "licensed engineer"; or

15 (3) Directly or indirectly employ any means which in any manner
16 [whatsoever] tends or is likely to create the impression on the public or
17 any member thereof that any person is qualified or authorized to practice
18 engineering.

19 (b) Any registered professional engineer to practice or offer to practice
20 a branch of professional engineering in which the board has not qualified
21 him.

22 (c) Any person to present or attempt to use, as his own, the certificate
23 of registration or the seal of another.

24 (d) Any person to give any false or forged evidence of any kind to the
25 board or any member thereof in obtaining a certificate of registration.

26 (e) Any person to impersonate falsely any other registrant of like or
27 different name.

28 (f) Any person to attempt to use an expired or revoked certificate of
29 registration.

30 (g) Any person to violate any of the provisions of this chapter.

31 2. Whenever any person is engaging or is about to engage in any
32 acts or practices which constitute a violation of this chapter, the district
33 court in any county, if [such] the court would have jurisdiction over
34 the violation, may, upon application of the board, issue an injunction or
35 restraining order against such acts or practices pursuant to Rule 65 of
36 the Nevada Rules of Civil Procedure.

37 3. This section [shall not be construed to] does not prevent a con-
38 tractor licensed under the provisions of chapter 624 of NRS from using
39 the term "engineer" or "engineering" if [such] the term is used by the
40 state contractors' board in describing a specific classification.

41 4. Subparagraph (2) of paragraph (a) of subsection 1 does not
42 apply to any foreign corporation, whose securities are publicly traded
43 and regulated pursuant to the Securities and Exchange Act of 1934,
44 which does not engage in professional engineering.

45 5. Any person who violates any of the provisions of subsection 1 is
46 guilty of a gross misdemeanor.

CHANGES AND AMMENDMENTS TO AB444

May 28, 1981

1. Page 2 Line 13: Change the wording from "physical therapy" to "Physio-therapy".
2. Page 14, Line 3: Add "634"
3. Page 2, Line 12: After the words manual manipulation the following wording should be substituted "by means of the forceful passive movement of muscles and tendons".

The definition of "adjust" according to Websters New College Dictionary is "to bring the parts of to a true or more effective relative position.

ASSEMBLY BILL 444

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 444

ASSEMBLY BILL NO. 444—ASSEMBLYMEN RUSK,
JEFFREY, BENNETT AND CHANEY

APRIL 6, 1981

Referred to Committee on Health and Welfare

SUMMARY—Regulates practice of naturopathic medicine. (BDR 54-1426)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to health care; regulating the practice of naturopathic medicine; creating the board of naturopathic medicine; providing for its organization, powers and duties; providing for licensing and disciplinary actions; requiring supervision by a physician; providing penalties; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Title 54 of NRS is hereby amended by adding thereto
- 2 a new chapter to consist of the provisions set forth as sections 2 to 55,
- 3 inclusive, of this act.
- 4 SEC. 2. As used in this chapter, unless the context otherwise requires,
- 5 the words and terms defined in sections 3 to 11, inclusive, of this act
- 6 have the meanings ascribed to them in those sections.
- 7 SEC. 3. "Board" means the board of naturopathic medicine.
- 8 SEC. 4. "Gross malpractice" means malpractice where the failure to
- 9 exercise the requisite degree of care, diligence or skill consists of:
- 10 1. Ministering to a patient while the naturopathic physician is under
- 11 the influence of alcohol or any controlled substance as defined in chap-
- 12 ter 453 of NRS;
- 13 2. Gross negligence;
- 14 3. Willful disregard of established naturopathic procedures; or
- 15 4. Willful and consistent use of naturopathic procedures, services
- 16 or treatment considered by naturopathic physicians in the community
- 17 to be inappropriate or unnecessary in the cases where used.
- 18 SEC. 5. "Healing art" means any system, treatment, diagnosis, pre-
- 19 scription or practice for the ascertainment, cure, relief, palliation, adjust-
- 20 ment or correction of any human disease, ailment, deformity, injury, or
- 21 unhealthy or abnormal physical or mental condition for the practice of
- 22 which long periods of specialized education and training and a degree

1 of specialized knowledge of an intellectual as well as physical nature are
2 required.

3 **SEC. 6. "Malpractice" means failure on the part of a naturopathic**
4 **physician to exercise the degree of care, diligence and skill ordinarily**
5 **exercised by naturopathic physicians in good standing in the community**
6 **in which he practices.**

7 **SEC. 7. 1. "Naturopathic medicine" means the school of medicine**
8 **dedicated to the philosophy, art and science of natural healing including**
9 **the use of natural agencies, forces and substances, employing accepted**
10 **procedures for diagnosis and treatment of human disorders and using**
11 **diet and nutrition, including vitamins, fresh or dried herbs, minerals,**
12 **enzymes and tissue concentrates, homeopathy, manual manipulation and**
13 **physical therapy, including the physical, chemical and other properties**
14 **of heat, light, water and electricity.**

15 **2. The term does not include the use of X-ray or radium treatments,**
16 **major or minor surgery, obstetrics, prescribing drugs except in homeo-**
17 **pathic proportions or invasive procedures except venipuncture for the**
18 **withdrawal of blood for diagnosis.**

19 **SEC. 8. "Naturopathic physician" means a person who:**

20 **1. Is a graduate of an academic program approved by the board;**

21 **2. Has received from the board a license to practice naturopathic**
22 **medicine; and**

23 **3. Practices naturopathic medicine in conjunction with and under**
24 **the supervision of a physician licensed under chapter 630 or 633 of NRS.**

25 **SEC. 9. "Professional incompetence" means lack of ability safely and**
26 **skillfully to practice naturopathic medicine, or to practice one or more**
27 **of its specified branches, arising from:**

28 **1. Lack of knowledge or training;**

29 **2. Impaired physical or mental capability of the naturopathic**
30 **physician;**

31 **3. Indulgence in the use of alcohol or any controlled substance; or**
32 **4. Any other sole or contributing cause.**

33 **SEC. 10. "School of naturopathic medicine" means a school approved**
34 **by the board which:**

35 **1. Requires as a prerequisite to graduation 4 years of actual attend-**
36 **ance at the school and successful completion of a curriculum which**
37 **meets the requirements of this chapter; or**

38 **2. Requires as a prerequisite to graduation 1 year of post-graduate**
39 **training for persons who have degrees from medical, osteopathic or**
40 **chiropractic schools.**

41 **SEC. 11. 1. "Unprofessional conduct" includes:**

42 **(a) Willfully making a false or fraudulent statement or submitting a**
43 **forged or false document in applying for a license to practice naturo-**
44 **pathic medicine.**

45 **(b) Failure of a licensee to designate his school of practice in the**
46 **professional use of his name by the term N.D., N.M.D., naturopathic**
47 **physician, doctor of naturopathic medicine, or a similar term.**

48 **(c) Directly or indirectly giving to or receiving from any person any**
49 **fee, commission, rebate or other form of compensation for sending,**

1 referring or otherwise inducing a person to communicate with a naturo-
2 pathic physician in his professional capacity or for any professional
3 services not actually and personally rendered, except as provided in sub-
4 section 2.

5 (d) Employing, directly or indirectly, any suspended or unlicensed
6 person in the practice of naturopathic medicine, or the aiding or abetting
7 of any unlicensed person to practice naturopathic medicine.

8 (e) Advertising the practice of naturopathic medicine in a manner
9 which does not conform to the guidelines established by board regula-
10 tion.

11 (f) Engaging in any:

12 (1) Professional conduct which is intended to deceive or which the
13 board by regulation has determined is unethical; or

14 (2) Medical practice harmful to the public or any conduct detri-
15 mental to the public health, safety or morals which does not constitute
16 gross or repeated malpractice or professional incompetence.

17 (g) Administering, dispensing or prescribing any controlled substance
18 as defined in chapter 453 of NRS, or any dangerous drug as defined in
19 chapter 454 of NRS, otherwise than in the course of legitimate profes-
20 sional practice or as authorized by law.

21 (h) Habitual drunkenness or habitual addiction to the use of a con-
22 trolled substance as defined in chapter 453 of NRS.

23 (i) Performing, assisting or advising an abortion or in the injection of
24 any liquid silicone substance into the human body.

25 (j) Willful disclosure of a communication privileged under a statute
26 or court order.

27 (k) Willful disobedience of the regulations of the state board of health
28 or of the board of naturopathic medicine.

29 (l) Practicing optometry unless so licensed in this state.

30 (m) Using any designation other than as authorized in this chapter
31 or representing himself as being in the practice of a healing art for which
32 he is not licensed.

33 (n) Violating or attempting to violate, directly or indirectly, or assist-
34 ing in or abetting the violation of or conspiring to violate any prohibition
35 made in this chapter.

36 2. It is not unprofessional conduct:

37 (a) For persons holding valid licenses under this chapter to practice
38 naturopathic medicine in partnership under a partnership agreement or
39 in a corporation or an association authorized by law, or to pool, share,
40 divide or apportion the fees and money received by them or by the
41 partnership, corporation or association in accordance with the partner-
42 ship agreement or the policies of the board of directors of the corporation
43 or association; or

44 (b) For two or more persons holding valid licenses under this chapter
45 to receive adequate compensation for concurrently rendering profes-
46 sional care to a patient and dividing a fee, if the patient has full knowl-
47 edge of this division and if the division is made in proportion to the
48 services performed and the responsibility assumed by each.

49 SEC. 12. The purpose of licensing naturopathic physicians is to pro-
50 tect the public health and safety and the general welfare of the people of

1 this state. Any license issued pursuant to this chapter is a revocable
2 privilege and a holder of such a license does not acquire thereby any
3 vested right.

4 SEC. 13. All state and local government regulations relative to the
5 reporting of births and deaths in any matter pertaining to the public
6 health apply to naturopathic physicians with the same effect as to
7 physicians of other schools of medicine. Such reports by naturopathic
8 physicians must be accepted by the officers of the agency to which they
9 are made.

10 SEC. 14. 1. This chapter does not apply to:

11 (a) The practice of medicine under chapter 630 or 633 of NRS,
12 dentistry, chiropractic, podiatry, optometry, faith or Christian Science
13 healing, nursing, veterinary medicine or hearing aid fitting.

14 (b) Naturopathic physicians who are called into this state, other than
15 on a regular basis, for consultation or assistance to a physician licensed
16 in this state, and who are legally qualified to practice in the state where
17 they reside.

18 2. This chapter does not repeal or affect any law of this state regu-
19 lating or affecting any other healing art.

20 3. This chapter does not prohibit:

21 (a) Gratuitous services of a person in cases of emergency.

22 (b) The domestic administration of family remedies.

23 SEC. 15. A naturopathic physician may not:

24 1. Practice naturopathic medicine unless he is under the supervision
25 of a physician licensed under chapter 630 or 633 of NRS.

26 2. Perform major or minor surgery.

27 3. Prescribe drugs except in homeopathic proportions.

28 4. Perform any invasive procedures except venipuncture for the
29 withdrawal of blood for diagnosis.

30 5. Practice obstetrics unless so licensed in this state.

31 SEC. 16. 1. The board of naturopathic medicine consists of five
32 members appointed by the governor.

33 2. Three members of the board must:

34 (a) Be licensed under this chapter, except the initial members who
35 must be licensed as naturopathic physicians in another state;

36 (b) Be actually engaged in the practice of naturopathic medicine in
37 this state; and

38 (c) Have been so engaged in this state for more than 2 years pre-
39 ceding their appointment, except the initial members who must have
40 been so engaged in another state.

41 3. One member must be a physician licensed under chapter 630 or
42 633 of NRS and a resident of Nevada.

43 4. The remaining member must be a resident of the State of Nevada:

44 (a) Not licensed in any state to practice any healing art; and

45 (b) Not actively engaged in the administration of any health and care
46 facility.

47 5. Before entering upon the duties of his office, each member of the
48 board shall take:

49 (a) The constitutional oath of office; and

50 (b) An oath that he is legally qualified to serve on the board.

1 6. As used in this section "health and care facility" has the mean-
2 ing attributed to it in NRS 449.007.

3 7. Upon expiration of his term of office, a member must continue to
4 serve until his successor is appointed and qualifies.

5 8. If a vacancy occurs on the board, a member is absent from the
6 state for a period of 6 months or more without the board's permission, or
7 a member fails to attend meetings of the board or to the business of
8 the board, as determined necessary in its discretion, the board shall
9 notify the governor, and the governor shall appoint a person qualified
10 under this chapter to replace the member for the remainder of the unex-
11 pired term.

12 SEC. 17. 1. The board shall elect from its members a president, a
13 vice president and a secretary-treasurer, who hold their respective offices
14 at its pleasure. The board may fix and pay a salary to the secretary-
15 treasurer.

16 2. The board shall meet at least twice annually and may meet at
17 other times on the call of the president or a majority of its members.

18 3. A majority of the board constitutes a quorum to transact all busi-
19 ness.

20 SEC. 18. Each member of the board is entitled to receive:

21 1. A salary of not more than \$40 per day, as fixed by the board,
22 while engaged in its business.

23 2. Actual and necessary expenses for subsistence and lodging, not
24 to exceed \$25 per day, and for transportation, while traveling on the
25 business of the board.

26 SEC. 19. The board shall operate on the basis of a fiscal year com-
27 mencing on July 1 and terminating on June 30.

28 SEC. 20. 1. All reasonable expenses incurred by the board in carry-
29 ing out the provisions of this chapter must be paid from the fees which
30 it receives, and no part of the salaries or expenses of the board may be
31 paid out of the state general fund.

32 2. All money received by the board must be deposited in qualified
33 banks or savings and loan associations in this state and paid out on its
34 order for its expenses..

35 SEC. 21. The board may:

36 1. Maintain offices in as many localities in the state as it finds
37 necessary to carry out the provisions of this chapter.

38 2. Employ attorneys, investigators and other professional consultants
39 and clerical personnel necessary to the discharge of its duties.

40 SEC. 22. 1. For the purposes of this chapter the secretary or presi-
41 dent of the board may issue subpoenas to compel the attendance of wit-
42 nesses and the production of books and papers.

43 2. If any witness refuses to attend or testify or produce any books
44 and papers as required by the subpoena, the secretary or president of the
45 board may report to the district court by petition, setting forth that:

46 (a) Due notice has been given of the time and place of attendance
47 of the witness or the production of the books and papers;

48 (b) The witness has been subpoenaed by the board pursuant to this
49 section; and

50 (c) The witness has failed or refused to attend or produce the books

1 and papers required by the subpoena before the board which is named in
2 the subpoena, or has refused to answer questions propounded to him,
3 and asking for an order of the court compelling the witness to attend and
4 testify or produce the books and papers before the board.

5 3. Upon such petition, the court shall enter an order directing the
6 witness to appear before the court at a time and place to be fixed by the
7 court in its order, the time to be not more than 10 days from the date of
8 the order, and then and there show cause why he has not attended or
9 testified or produced the books or papers before the board. A certified
10 copy of the order must be served upon the witness.

11 4. If it appears to the court that the subpoena was regularly issued by
12 the board, the court shall enter an order that the witness appear before the
13 board at the time and place fixed in the order and testify or produce
14 the required books or papers, and upon failure to obey the order the
15 witness must be dealt with as for contempt of court.

16 SEC. 23. The board shall:

17 1. Adopt and enforce regulations necessary to enable it to carry out
18 its duties under this chapter, including but not limited to regulations
19 which establish the principles of medical ethics to be used as the basis
20 for determining whether conduct which does not constitute malpractice
21 is unethical.

22 2. Keep a record of its proceedings relating to licensing and dis-
23 ciplinary actions. The records must be open to public inspection at all
24 reasonable times and must contain the name, known place of business
25 and residence, and the date and number of the license of every naturo-
26 pathic physician licensed under this chapter.

27 SEC. 24. An applicant for a license to practice naturopathic medicine
28 must be issued a license by the board if he:

29 1. Is 21 years of age or older;

30 2. Is a citizen of the United States or is legally entitled to live and
31 work in the United States;

32 3. Is a graduate of a school of naturopathic medicine which is
33 approved by the board;

34 4. Applies for the license;

35 5. Passes the examination prescribed by the board; and

36 6. Pays the fees provided for in this chapter.

37 SEC. 25. 1. Every applicant for a license shall:

38 (a) File an application with the board in the manner prescribed by
39 regulations of the board;

40 (b) Submit verified proof satisfactory to the board that he meets the
41 age, citizenship and educational requirements prescribed by this chapter;
42 and

43 (c) Pay in advance to the board the initial license fee prescribed by the
44 board.

45 2. The board may hold hearings and conduct investigations into any
46 matter related to the application and in addition to the proofs required
47 by subsection 1 may take such further evidence and require such other
48 documents or proof of qualifications as it deems proper.

49 3. The board may reject an application if it determines that any
50 credential submitted is false.

1 **SEC. 26. 1. Examinations must be held at least twice a year at the**
2 **time and place fixed by the board. All applicants must be notified in**
3 **writing of the examinations.**

4 **2. The examinations must be fair and impartial, practical in char-**
5 **acter, and the questions must be designed to discover the applicant's**
6 **fitness.**

7 **3. The board may employ specialists and other professional con-**
8 **sultants or examining services in conducting the examination.**

9 **4. The member of the board who is not licensed in any state to**
10 **practice any healing art may not participate in preparing, conducting or**
11 **grading any examination required by the board.**

12 **SEC. 27. The board may approve a school of naturopathic medicine**
13 **which:**

14 **1. Accepts only graduates of standard high schools and persons with**
15 **equivalent education, and which offers a curriculum consisting of at**
16 **least 4,500 hours of instruction, including adequate instruction in the**
17 **following subjects:**

18 **(a) Anatomy and histology;**

19 **(b) Physiology and biology;**

20 **(c) Organic chemistry, biochemistry, autotherapy, endocrinology, phy-**
21 **totherapy, dietetics and pharmacology;**

22 **(d) Pathology, bacteriology, immunology and clinical laboratory pro-**
23 **cedures;**

24 **(e) Diagnosis, including use of physical, clinical, X-ray and laboratory**
25 **methods, and symptomatology;**

26 **(f) Public health, first aid, hygiene, nutrition and sanitation;**

27 **(g) Embryology, gynecology, obstetrics, proctology, urology, reontgen-**
28 **ology and toxicology;**

29 **(h) Neurology, psychiatry and psychology;**

30 **(i) Orthopedics, pediatrics and geriatrics;**

31 **(j) Eye, ear, nose and throat practice;**

32 **(k) Clinical practice, including emergency procedures;**

33 **(l) Naturopathic principles, philosophy and therapeutics; and**

34 **(m) Manipulation and homeopathy.**

35 **2. Accepts persons who have degrees from accredited medical, osteo-**
36 **pathic or chiropractic schools and offer a minimum of 1,000 hours of**
37 **instruction in:**

38 **(a) Phytotherapy;**

39 **(b) Nutrition;**

40 **(c) Manipulation;**

41 **(d) Homeopathy; and**

42 **(e) Naturopathic principles, philosophy and therapeutics.**

43 **The board may inspect institutions which purport to be schools of natur-**
44 **opathy and issue or refuse to issue certificates of approval.**

45 **SEC. 28. 1. If an applicant fails in a first examination, he may be**
46 **reexamined after not less than 6 months.**

47 **2. If he fails in a second examination, he is not thereafter entitled**
48 **to another examination within less than 1 year after the date of the**
49 **second examination, and prior thereto he shall furnish proof to the**

1 board of further postgraduate study following the second examination
2 satisfactory to the board.

3 3. Each applicant who fails an examination and who is permitted to
4 be reexamined shall pay for each reexamination the reexamination fee
5 prescribed by the board.

6 4. If an applicant does not appear for examination, for any reason
7 deemed sufficient by the board, the board may refund a portion of the
8 initial license fee not to exceed one-half of the fee upon the request of
9 the applicant. There may be no refund of the initial license fee if an
10 applicant appears for examination.

11 SEC. 29. Any unsuccessful applicant may appeal to the district court
12 to review the action of the board, if he files his appeal within 6 months
13 from the date of the rejection of his application by the board. Upon
14 appeal the applicant has the burden of showing that the action of the
15 board is erroneous or unlawful.

16 SEC. 30. 1. The board may issue a license without examination to
17 any person who was licensed to practice naturopathic medicine in any
18 other state before July 1, 1981.

19 2. Each person who applies for a license pursuant to subsection 1
20 shall:

21 (a) Furnish to the board such proof of qualifications as the board may
22 require;

23 (b) Pay in advance to the board the license fee specified by the board;

24 (c) Pass any oral or written examination which the board may require;
25 and

26 (d) Take such additional courses or clinical training as the board may
27 direct.

28 SEC. 31. 1. The board may issue a temporary license to authorize a
29 person who is qualified to practice naturopathic medicine in this state to
30 serve as a substitute for a naturopathic physician who is absent from his
31 practice.

32 2. Each applicant for such a license must pay the temporary license
33 fee prescribed by the board.

34 3. A temporary license is valid for not more than 6 months after
35 the date of issuance and is not renewable.

36 SEC. 32. 1. The board may issue a special license:

37 (a) To authorize a person who is licensed to practice naturopathic
38 medicine in an adjoining state to come into Nevada to care for or assist
39 in the treatment of his own patients in association with a naturopathic
40 physician in this state who has primary care of the patients.

41 (b) To a resident or fellow while in training.

42 2. A special license issued under this section may be renewed by the
43 board upon application of the licensee.

44 3. Every person who applies for or renews a special license under
45 this section must pay the special license fee or special license renewal fee
46 prescribed by the board.

47 SEC. 33. Each license issued by the board:

48 1. Must bear a seal adopted by the board and the signatures of its
49 president and secretary; and

50 2. Authorizes the holder to practice naturopathic medicine so long as

1 it is kept in force by appropriate renewal and is not revoked or sus-
2 pended.

3 SEC. 34. 1. Except as provided in subsection 3 and in section 36
4 of this act, every holder of a license issued under this chapter, except a
5 temporary or a special license, may renew his license, on or before
6 February 1 of each calendar year after its issuance by:

- 7 (a) Applying for renewal on forms provided by the board;
- 8 (b) Paying the annual renewal fee prescribed by the board; and
- 9 (c) Furnishing proof of attendance at such continuing education
10 courses as are required by the board, not to exceed 12 hours since his
11 last renewal or licensing.

12 2. The secretary of the board shall notify each licensee of the
13 renewal requirement not less than 60 days before the date of renewal.

14 SEC. 35. 1. If a licensee fails to comply with the requirements of
15 section 34 of this act within 30 days after the renewal date, the board
16 shall give 30 days' notice of failure to renew and of revocation of license
17 by certified mail to the licensee at his last address registered with the
18 board. If the license is not renewed before the expiration of the 30 days'
19 notice, the license is automatically revoked without any further notice
20 or a hearing and the board shall file a copy of the notice with the Drug
21 Enforcement Administration of the United States Department of Justice
22 or its successor agency.

23 2. A person whose license is revoked under this section may apply
24 to the board for restoration of his license upon:

- 25 (a) Payment of all past due renewal fees and the late payment fee
26 prescribed by the board; and
- 27 (b) Stating under oath in writing that he has not withheld information
28 from the board which if disclosed would furnish grounds for disciplinary
29 action under this chapter.

30 SEC. 36. 1. A licensee who retires from the practice of naturopathic
31 medicine need not annually renew his license after he files with the
32 board an affidavit stating the date on which he retired from practice and
33 such other facts to verify his retirement as the board deems necessary.

34 2. A retired licensee who desires to return to practice may apply to
35 renew his license by paying all back annual renewal fees from the date
36 of retirement and submitting verified evidence satisfactory to the board
37 that he has attended such continuing education courses or programs as
38 are required by the board.

39 SEC. 37. The board shall charge and collect fees not to exceed the
40 following amounts:

41	Initial license fee.....	\$200
42	Annual renewal fee.....	300
43	Special license fee.....	200
44	Special license renewal fee.....	100
45	Temporary license fee.....	150
46	Reexamination fee.....	200
47	Late payment fee.....	100

48 SEC. 38. The grounds for initiating disciplinary action under this
49 chapter are:

- 50 1. Unprofessional conduct.

1 2. Conviction of:

2 (a) A violation of any federal or state law regulating the possession,
3 distribution or use of any controlled substance as defined in chapter 453
4 of NRS or dangerous drug as defined in chapter 454 of NRS;

5 (b) A felony; or

6 (c) Any offense involving moral turpitude.

7 3. Suspension or revocation of the license to practice naturopathic
8 medicine by any other jurisdiction.

9 4. Gross or repeated malpractice.

10 5. Professional incompetence.

11 SEC. 39. The board or any of its members, any medical review panel
12 of a medical society which becomes aware that any one or combination
13 of the grounds for initiating disciplinary action may exist as to a person
14 practicing naturopathic medicine in this state shall, and any other person
15 who is so aware may, file a written complaint specifying the relevant facts
16 with the board or with a naturopathic medical society of the county in
17 which the person charged has his office if there is a naturopathic medical
18 society in the county.

19 SEC. 40. 1. When a complaint is filed:

20 (a) With the board, it shall be reviewed by the board.

21 (b) With a naturopathic medical society, the society shall forward
22 a copy of the complaint to the board for review.

23 2. If, from the complaint or from other official records, it appears
24 that the complaint is not frivolous and the complaint charges:

25 (a) Unprofessional conduct, a conviction or the suspension or revoca-
26 tion of a license to practice naturopathic medicine, the board shall pro-
27 ceed with appropriate disciplinary action.

28 (b) Gross or repeated malpractice or professional incompetence, the
29 board shall transmit the original complaint, along with further facts or
30 information derived from its own review, to the attorney general.

31 SEC. 41. 1. The attorney general shall conduct an investigation of
32 each complaint transmitted to him to determine whether it warrants pro-
33 ceedings for modification, suspension or revocation of license. If he deter-
34 mines that such further proceedings are warranted, he shall report the
35 results of his investigation together with his recommendation to the
36 board in a manner which does not violate the right of the person charged
37 in the complaint to due process in any later hearing before the board.

38 2. The board shall promptly make a determination with respect to
39 each complaint reported to it by the attorney general as to what action
40 shall be pursued. The board shall:

41 (a) Dismiss the complaint; or

42 (b) Proceed with appropriate disciplinary action.

43 SEC. 42. 1. If the board determines that a complaint is not frivolous,
44 the board may require the person charged in the complaint to submit to
45 a mental or physical examination by physicians designated by the
46 board.

47 2. For the purposes of this section:

48 (a) Every person licensed under this chapter who accepts the privilege
49 of practicing naturopathic medicine in this state shall be deemed to

1 have given his consent to submit to a mental or physical examination
2 when directed to do so in writing by the board.

3 (b) The testimony or examination reports of the examining physicians
4 are not privileged communications.

5 3. Except in extraordinary circumstances, as determined by the
6 board, the failure of a naturopathic physician licensed under this chapter
7 to submit to an examination when directed as provided in this section
8 constitutes an admission of the charges against him.

9 SEC. 43. If the board has reason to believe that the conduct of any
10 naturopathic physician has raised a reasonable question as to his compe-
11 tence to practice naturopathic medicine with reasonable skill and safety
12 to patients, the board may cause a medical competency examination of
13 the naturopathic physician for purposes of determining his fitness to
14 practice naturopathic medicine with reasonable skill and safety to patients.

15 SEC. 44. If the board issues an order summarily suspending the
16 license of a naturopathic physician pending proceedings for disciplinary
17 action and requires the naturopathic physician to submit to a mental or
18 physical examination or a medical competency examination, the examina-
19 tion must be conducted and the results obtained not later than 60 days
20 after the board issues its order.

21 SEC. 45. If the board issues an order summarily suspending the
22 license of a naturopathic physician pending proceedings for disciplinary
23 action, the court shall not stay that order unless the board fails to institute
24 and determine such proceedings as promptly as the requirements for
25 investigation of the case reasonably allow.

26 SEC. 46. 1. In addition to any other remedy provided by law, the
27 board, through its president, secretary or its attorney, or the attorney
28 general, may apply to any court of competent jurisdiction to enjoin any
29 unprofessional conduct of a naturopathic physician which is harmful to
30 the public or to limit the physician's practice or suspend his license to
31 practice medicine as provided in this section.

32 2. The court in a proper case may issue a temporary restraining
33 order or a preliminary injunction for such purposes:

34 (a) Without proof of actual damage sustained by any person, this
35 provision being a preventive as well as a punitive measure; and

36 (b) Pending proceedings for disciplinary action by the board. These
37 proceedings must be instituted and determined as promptly as the require-
38 ments for investigation of the case reasonably allow.

39 SEC. 47. All proceedings subsequent to the filing of a complaint are
40 confidential, except to the extent necessary for the conduct of an exami-
41 nation, until the board determines to proceed with disciplinary action.
42 If the board dismisses the complaint, the proceedings remain confidential.
43 If the board proceeds with disciplinary action, confidentiality concerning
44 the proceedings is no longer required.

45 SEC. 48. If:

46 1. A complaint charging unprofessional conduct, a conviction or the
47 suspension or revocation of a license to practice naturopathic medicine
48 is not frivolous; or

49 2. With respect to a complaint reported by the attorney general, the
50 board has determined to proceed with disciplinary action,

1 the secretary of the board shall fix a time and place for a hearing and
2 cause a notice of the hearing and a formal complaint prepared by the
3 board to be served on the person charged at least 30 days before the
4 date fixed for the hearing.

5 SEC. 49. 1. Service of process made under this chapter must be
6 personal or by registered or certified mail with return receipt requested,
7 addressed to the naturopathic physician at his last known address, as
8 indicated on the records of the board, if possible. If personal service
9 cannot be made and if mail notice is returned undelivered, the secretary
10 of the board shall cause notice of hearing to be published once a week
11 for 4 consecutive weeks in a newspaper published in the county of the
12 physician's last known address or, if no newspaper is published in that
13 county, then in a newspaper widely distributed in that county.

14 2. Proof of service of process or publication of notice made under
15 this chapter must be filed with the secretary of the board and be recorded
16 in the minutes of the board.

17 SEC. 50. In any disciplinary proceeding before the board:

18 1. Proof of actual injury need not be established where the complaint
19 charges deceptive or unethical professional conduct or medical practice
20 harmful to the public.

21 2. A certified copy of the record of a court or a licensing agency
22 showing a conviction or the suspension or revocation of a license to
23 practice naturopathic medicine is conclusive evidence of its occurrence.

24 SEC. 51. 1. The person charged is entitled to a hearing before the
25 board, but the failure of the person charged to attend his hearing or his
26 failure to defend himself does not delay or void the proceedings. The
27 board may, for good cause shown, continue any hearing from time to
28 time.

29 2. If the board finds the person guilty as charged in the complaint,
30 it may by order:

31 (a) Place the person on probation for a specified period or until
32 further order of the board.

33 (b) Administer to the person a public or private reprimand.

34 (c) Limit the practice of the person to, or by the exclusion of, one or
35 more specified branches of naturopathic medicine.

36 (d) Suspend the license of the person to practice naturopathic medicine
37 for a specified period or until further order of the board.

38 (e) Revoke the license of the person to practice naturopathic
39 medicine.

40 The order of the board may contain other terms, provisions or conditions
41 which the board deems proper and which are not inconsistent with law.

42 SEC. 52. 1. Any person who has been placed on probation or whose
43 license has been limited, suspended or revoked by the board is entitled
44 to judicial review of the board's order as provided by law.

45 2. Every order of the board which limits the practice of medicine or
46 suspends or revokes a license is effective from the date the secretary
47 certifies the order to the proper county recorder until the order is modi-
48 fied or reversed by a final judgment of the court. The court shall not
49 stay the order of the board unless the board has failed to comply with the
50 procedural requirements provided for in NRS 233B.140.

1 3. The district court shall give a petition for judicial review of the
2 board's order priority over other civil matters which are not expressly
3 given that priority by law.

4 SEC. 53. 1. Any person:

5 (a) Whose practice of naturopathic medicine has been limited; or

6 (b) Whose license to practice naturopathic medicine has been:

7 (1) Suspended until further order; or

8 (2) Revoked,

9 by an order of the board may apply to the board after a reasonable period
10 for removal of the limitation or restoration of his license.

11 2. In hearing the application, the board:

12 (a) May require the person to submit to a mental or physical exami-
13 nation by physicians or other appropriate persons whom it designates
14 and submit such other evidence of changed conditions and of fitness as
15 it deems proper;

16 (b) Shall determine whether under all the circumstances the time of
17 the application is reasonable; and

18 (c) May deny the application or modify or rescind its order as it
19 deems the evidence and the public safety warrant.

20 SEC. 54. The board of naturopathic medicine, a naturopathic medical
21 society, or any person who or other organization which initiates or
22 assists in any lawful investigation or proceeding concerning the discipline
23 of a naturopathic physician for gross malpractice, repeated malpractice,
24 professional incompetence or unprofessional conduct is immune from
25 any civil action for that initiation or assistance or any consequential
26 damages, if the person or organization acted without malicious intent.

27 SEC. 55. A person who:

28 1. Practices naturopathic medicine:

29 (a) Without a license valid under this chapter; or

30 (b) Beyond the limitations imposed by this chapter or ordered upon
31 his practice by the board or the court;

32 2. Presents as his own the diploma, license or credentials of another;

33 3. Gives either false or forged evidence of any kind to the board or
34 any of its members in connection with an application for a license;

35 4. Files for record the license issued to another, falsely claiming
36 himself to be the person named in the license, or falsely claiming himself
37 to be the person entitled to the license; or

38 5. Practices naturopathic medicine under a false or assumed name
39 or falsely personates another licensee of a like or different name,
40 shall be punished by imprisonment in the state prison for not less than
41 1 nor more than 6 years.

42 SEC. 56. NRS 0.040 is hereby amended to read as follows:

43 0.040 1. Except as otherwise provided in subsection 2, as used in
44 Nevada Revised Statutes, "physician" means a person who engages in
45 the practice of medicine, including osteopathy.

46 2. The terms "physician," "osteopathic [physician]" *physician*,
47 "*naturopathic physician*" and "chiropractic physician" are used in chap-
48 ters 630, 633 and 634 of NRS *and sections 2 to 55, inclusive, of this act*
49 in the limited senses prescribed by those chapters respectively.

1 SEC. 57. NRS 440.050 is hereby amended to read as follows:
2 440.050 As used in this chapter, "physician" is limited to a person
3 authorized under [the laws of this state] chapters 630 and 633 of NRS
4 and sections 2 to 55, inclusive, of this act, to practice as such.

5 SEC. 58. Chapter 616 of NRS is hereby amended by adding thereto
6 a new section which shall read as follows:

7 *No provision of this chapter prevents an employee from providing for*
8 *treatment of his injuries or disease by a naturopathic physician author-*
9 *ized to practice pursuant to sections 2 to 55, inclusive, of this act.*

10 SEC. 59. NRS 640.190 is hereby amended to read as follows:

11 640.190 1. A person registered under this chapter as a physical
12 therapist shall not treat human ailments by physical therapy or otherwise
13 except under the prescription and direction of a *physician or a naturo-*
14 *pathic* physician, unless such person is licensed in the State of Nevada to
15 practice such treatment otherwise than by virtue of this chapter.

16 2. Nothing in this chapter authorizes a physical therapist, whether
17 registered or not, to practice medicine, osteopathic medicine, *naturo-*
18 *pathic medicine*, chiropractic or any other form or method of healing.

19 3. Any person violating the provisions of this section is guilty of a
20 misdemeanor.

21 SEC. 60. Chapter 689A of NRS is hereby amended by adding
22 thereto a new section which shall read as follows:

23 *If a policy of insurance provides coverage for treatment of an illness*
24 *which is within the authorized practice of a naturopathic physician, the*
25 *insured is entitled to reimbursement for treatment by a naturopathic phy-*
26 *si- cian licensed pursuant to sections 2 to 55, inclusive, of this act.*

27 SEC. 61. Chapter 689B of NRS is hereby amended by adding
28 thereto a new section which shall read as follows:

29 *If a group health or blanket health policy provides coverage for*
30 *treatment of an illness which is within the authorized practice of a naturo-*
31 *pathic physician, the person in the insured group is entitled to reimburse-*
32 *ment for treatments by a naturopathic physician licensed pursuant to*
33 *sections 2 to 55, inclusive, of this act.*

34 SEC. 62. 1. The governor shall appoint:

35 (a) Three persons who are qualified pursuant to subsection 2;

36 (b) One person who is qualified pursuant to subsection 3; and

37 (c) One person who is qualified pursuant to subsection 4,

38 of section 16 of this act, to the board of naturopathic medicine.

39 2. Of the members of the board appointed by the governor pursuant
40 to subsection 1:

41 (a) Two members, including one person who is qualified under sub-
42 section 2 of section 16 of this act and the person qualified under subsec-
43 tion 3 of section 16 of this act shall serve terms ending on June 30, 1985;

44 (b) One member shall serve a term ending June 30, 1984;

45 (c) One member shall serve a term ending June 30, 1983; and

46 (d) One member shall serve a term ending June 30, 1982.