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List of Recommended Changes to Existing Version of SB 399 of Consensus Group

Adding new section to NRS Chapter 598 to include definitions for "goods" and "services." These terms are used extensively in NRS Chapter 598. The lack of definitions for "goods" and "services" has, in the past, created some confusion as to the jurisdiction of the BCP as it relates to deceptive trade practices.

Add new section to NRS Chapter 598 giving the Consumer's Advocate the same authority as the Commissioner of the Consumer Affairs Division. The only significant difference between this new section and NRS 598.0971 is a specific provision for the Consumer's Advocate to appoint a hearing officer, and specific provisions to allow recoupment of the cost of any appointed hearing officer upon the losing party.

Section 2 of the current bill, language was added in paragraph 1 which expressly states that the provisions of this section are limited to "non-face-to-face transactions." While this was always the intent of the bill, we wanted to clearly state in the statute the sections are limited to non-face-to-face transactions.

Section 2, paragraph 1(a)(3) the effect of the bill was narrowed by adding the words "and significant" and removing the terms "efficacy" and "nature." The intent in this change was to clearly indicate that the types of disclosures subject to this bill do not relate to minutia or frivolous matters, but relate to the kinds of information which a reasonable person would clearly understand are significant and important for a consumer to know prior to purchasing goods or services sight unseen.

Section 2, paragraph 1(a)(5) removed. Current language of NRS 598.0915 sufficiently covers this issue.

Section 2, paragraph 1(c) remove the words "goods or" - after reconsideration determined that required verification should only apply to services and charitable contributions, not goods.

Section 2, paragraph 1(d) remove the words " or lease of goods or" - after reconsideration determined that required verification should only apply to services and charitable contributions, not goods.

Section 2, paragraph 2(b)(3) remove the words "goods or" - after reconsideration determined that required verification should only apply to services and charitable contributions, not goods.

Section 2, paragraph 2(b)(4)(I) remove the words "goods or" - after reconsideration determined that required verification should only apply to services and charitable contributions, not goods.

Section 2, paragraph 2(b)(4)(III) remove the words "goods or" - after reconsideration determined that required verification should only apply to services and charitable contributions, not goods.

Section 2, paragraph 2(b)(4)(V) remove the words "goods or" - after reconsideration determined that required verification should only apply to services and charitable contributions, not goods.

Section 2, paragraph 3, add a new section "(g)" to add a definition for "non-face to face transaction," a term added to Section 2, paragraph number one.

Section 3, paragraph 2 removed.

Section 5, paragraph 4, removes the language "or uses a mail drop, registered agent, P.O. Box, electronic mail address, or unsolicited phone number as the sole point of contact for the business."

Section 5, paragraph 4(c) removed.

Section 12, paragraph 5(d), add the words "Except for local measure telecommunication services regulated by the Nevada Public Utilities Commission, the." the statute only applies to long distance carriers, not local telephone services.

Remove Sections 17 through and including Section 23, Section 24 remains.