

ASSEMBLY BILL NO. 155—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

FEBRUARY 18, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes regarding background checks for purposes of employment and licensing. (BDR 14-430)

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

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

AN ACT relating to records of criminal history; making various changes regarding authorizing background checks to ensure compliance with the federal law that authorizes the Federal Bureau of Investigation to exchange records of criminal history with officials of state and local government for purposes of employment and licensing; authorizing the Central Repository for Nevada Records of Criminal History to conduct investigations and to disseminate certain information concerning applicants and employees of private schools; expanding the offenses about which certain employers may obtain information concerning employees; authorizing such employers to obtain the same information about volunteers and prospective volunteers; revising certain provisions concerning background checks conducted on certain applicants for employment with private and certain other postsecondary educational institutions; 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:



* A B 1 5 5 R 3 *

1 **Section 1.** NRS 179.301 is hereby amended to read as follows:
2 179.301 1. The State Gaming Control Board and Nevada
3 Gaming Commission and their employees, agents and
4 representatives may inquire into and inspect any records sealed
5 pursuant to NRS 179.245 or 179.255, if the event or conviction was
6 related to gaming, ~~for purposes of determining~~ *to determine* the
7 suitability or qualifications of any person to hold a state gaming
8 license, manufacturer's, seller's or distributor's license or gaming
9 work permit pursuant to chapter 463 of NRS. Events and
10 convictions, if any, which are the subject of an order sealing records
11 may form the basis for recommendation, denial or revocation of
12 those licenses or work permits.

13 2. The Central Repository *for Nevada Records of Criminal*
14 *History* and its employees may inquire into and inspect any records
15 sealed pursuant to NRS 179.245 or 179.255 that constitute
16 information relating to sexual offenses, and may notify employers of
17 the information in accordance with NRS 179A.180 to 179A.240,
18 inclusive.

19 3. Records which have been sealed pursuant to NRS 179.245
20 or 179.255 and which are retained in the statewide registry
21 established pursuant to NRS 179B.200 may be inspected pursuant to
22 chapter 179B of NRS by an officer or employee of the Central
23 Repository *for Nevada Records of Criminal History* or a law
24 enforcement officer in the regular course of his duties.

25 4. *As used in this section:*

26 (a) *"Information relating to sexual offenses" means*
27 *information contained in or concerning a record of criminal*
28 *history, or the records of criminal history of the United States or*
29 *another state, relating in any way to a sexual offense.*

30 (b) *"Sexual offense" has the meaning ascribed to it in*
31 *NRS 179A.073.*

32 **Sec. 2.** NRS 179A.075 is hereby amended to read as follows:

33 179A.075 1. The Central Repository for Nevada Records of
34 Criminal History is hereby created within the Nevada Highway
35 Patrol Division of the Department.

36 2. Each agency of criminal justice and any other agency
37 dealing with crime or delinquency of children shall:

38 (a) Collect and maintain records, reports and compilations of
39 statistical data required by the Department; and

40 (b) Submit the information collected to the Central Repository
41 in the manner recommended by the Advisory Committee and
42 approved by the Director of the Department.

43 3. Each agency of criminal justice shall submit the information
44 relating to ~~sexual offenses and other~~ records of criminal history
45 that it creates or issues, and any information in its possession



1 relating to the genetic markers of a biological specimen of a person
2 who is convicted of an offense listed in subsection 4 of NRS
3 176.0913, to the Division in the manner prescribed by the Director
4 of the Department. The information must be submitted to the
5 Division:

- 6 (a) Through an electronic network;
- 7 (b) On a medium of magnetic storage; or
- 8 (c) In the manner prescribed by the Director of the
9 Department,

10 within the period prescribed by the Director of the Department. If an
11 agency has submitted a record regarding the arrest of a person who
12 is later determined by the agency not to be the person who
13 committed the particular crime, the agency shall, immediately upon
14 making that determination, so notify the Division. The Division
15 shall delete all references in the Central Repository relating to that
16 particular arrest.

17 4. The Division shall, in the manner prescribed by the Director
18 of the Department:

19 (a) Collect, maintain and arrange all information submitted to it
20 relating to:

- 21 (1) ~~{Sexual offenses and other records}~~ **Records** of criminal
22 history; and
- 23 (2) The genetic markers of a biological specimen of a person
24 who is convicted of an offense listed in subsection 4 of
25 NRS 176.0913.

26 (b) When practicable, use a record of the personal identifying
27 information of a subject as the basis for any records maintained
28 regarding him.

29 (c) Upon request, provide the information that is contained in
30 the Central Repository to the State Disaster Identification Team of
31 the Division of Emergency Management of the Department.

32 5. The Division may:

- 33 (a) Disseminate any information which is contained in the
34 Central Repository to any other agency of criminal justice;
- 35 (b) Enter into cooperative agreements with federal and state
36 repositories to facilitate exchanges of information that may be
37 disseminated pursuant to paragraph (a); and
- 38 (c) Request of and receive from the Federal Bureau of
39 Investigation information on the background and personal history of
40 any person whose record of fingerprints the Central Repository
41 submits to the Federal Bureau of Investigation and:

42 (1) Who has applied to any agency of the State of Nevada or
43 any political subdivision thereof for a license which it has the power
44 to grant or deny;



- 1 (2) With whom any agency of the State of Nevada or any
- 2 political subdivision thereof intends to enter into a relationship of
- 3 employment or a contract for personal services;
- 4 (3) About whom any agency of the State of Nevada or any
- 5 political subdivision thereof has a legitimate need to have accurate
- 6 personal information for the protection of the agency or the persons
- 7 within its jurisdiction; or
- 8 (4) For whom such information is required to be obtained
- 9 pursuant to NRS 449.179.
- 10 *To request and receive information from the Federal Bureau of*
- 11 *Investigation concerning a person pursuant to this subsection, the*
- 12 *Central Repository must receive the person's complete set of*
- 13 *fingerprints from the agency or political subdivision and submit*
- 14 *the fingerprints to the Federal Bureau of Investigation for its*
- 15 *report.*
- 16 6. The Central Repository shall:
 - 17 (a) Collect and maintain records, reports and compilations of
 - 18 statistical data submitted by any agency pursuant to subsection 2.
 - 19 (b) Tabulate and analyze all records, reports and compilations of
 - 20 statistical data received pursuant to this section.
 - 21 (c) Disseminate to federal agencies engaged in the collection of
 - 22 statistical data relating to crime information which is contained in
 - 23 the Central Repository.
 - 24 (d) Investigate the criminal history of any person who:
 - 25 (1) Has applied to the superintendent of public instruction for
 - 26 a license;
 - 27 (2) Has applied to a county school district *or a private school*
 - 28 for employment; or
 - 29 (3) Is employed by a county school district ~~it~~ *or a private*
 - 30 *school,*
 - 31 and notify the superintendent of each county school district and the
 - 32 Superintendent of Public Instruction , *or the administrator of each*
 - 33 *private school, as appropriate,* if the investigation of the Central
 - 34 Repository indicates that the person has been convicted of a
 - 35 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,
 - 36 or convicted of a felony or any offense involving moral turpitude.
 - 37 (e) Upon discovery, notify the superintendent of each county
 - 38 school district *or the administrator of each private school, as*
 - 39 *appropriate,* by providing ~~him~~ *the superintendent or*
 - 40 *administrator* with a list of all persons:
 - 41 (1) Investigated pursuant to paragraph (d); or
 - 42 (2) Employed by a county school district *or private school*
 - 43 whose fingerprints were sent previously to the Central Repository
 - 44 for investigation,



1 who the Central Repository's records indicate have been convicted
2 of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or
3 453.3395, or convicted of a felony or any offense involving moral
4 turpitude since the Central Repository's initial investigation. The
5 superintendent of each county school district *or the administrator*
6 *of each private school, as applicable*, shall determine whether
7 further investigation or action by the district *or private school, as*
8 *applicable*, is appropriate.

9 (f) Investigate the criminal history of each person who submits
10 fingerprints or has his fingerprints submitted pursuant to NRS
11 449.176 or 449.179.

12 (g) On or before July 1 of each year, prepare and present to the
13 Governor a printed annual report containing the statistical data
14 relating to crime received during the preceding calendar year.
15 Additional reports may be presented to the Governor throughout the
16 year regarding specific areas of crime if they are recommended by
17 the Advisory Committee and approved by the Director of the
18 Department.

19 (h) On or before July 1 of each year, prepare and submit to the
20 Director of the Legislative Counsel Bureau, for submission to the
21 Legislature, or the Legislative Commission when the Legislature is
22 not in regular session, a report containing statistical data about
23 domestic violence in this state.

24 (i) Identify and review the collection and processing of
25 statistical data relating to criminal justice and the delinquency of
26 children by any agency identified in subsection 2, and make
27 recommendations for any necessary changes in the manner of
28 collecting and processing statistical data by any such agency.

29 7. The Central Repository may:

30 (a) At the recommendation of the Advisory Committee and in
31 the manner prescribed by the Director of the Department,
32 disseminate compilations of statistical data and publish statistical
33 reports relating to crime or the delinquency of children.

34 (b) Charge a reasonable fee for any publication or special report
35 it distributes relating to data collected pursuant to this section. The
36 Central Repository may not collect such a fee from an agency of
37 criminal justice, any other agency dealing with crime or the
38 delinquency of children which is required to submit information
39 pursuant to subsection 2 or the State Disaster Identification Team of
40 the Division of Emergency Management of the Department. All
41 money collected pursuant to this paragraph must be used to pay for
42 the cost of operating the Central Repository.

43 (c) In the manner prescribed by the Director of the Department,
44 use electronic means to receive and disseminate information



1 contained in the Central Repository that it is authorized to
2 disseminate pursuant to the provisions of this chapter.

3 8. As used in this section:

4 (a) "Advisory Committee" means the committee established by
5 the Director of the Department pursuant to NRS 179A.078.

6 (b) "Personal identifying information" means any information
7 designed, commonly used or capable of being used, alone or in
8 conjunction with any other information, to identify a person,
9 including, without limitation:

10 (1) The name, driver's license number, social security
11 number, date of birth and photograph or computer generated image
12 of a person; and

13 (2) The fingerprints, voiceprint, retina image and iris image
14 of a person.

15 (c) "*Private school*" has the meaning ascribed to it in
16 *NRS 394.103*.

17 **Sec. 3.** NRS 179A.080 is hereby amended to read as follows:

18 179A.080 The Director of the Department is responsible for
19 administering this chapter and may adopt regulations for that
20 purpose. The Director shall:

21 1. Adopt regulations for the security of the Central Repository
22 so that it is adequately protected from fire, theft, loss, destruction,
23 other hazards and unauthorized access.

24 2. Adopt regulations and standards for personnel employed by
25 agencies of criminal justice in positions of responsibility for
26 maintenance and dissemination of information relating to ~~sexual~~
27 ~~offenses and other~~ records of criminal history ~~[-]~~ *and information*
28 *disseminated pursuant to NRS 179A.180 to 179A.240, inclusive.*

29 3. Provide for audits of informational systems by qualified
30 public or private agencies, organizations or persons.

31 **Sec. 4.** NRS 179A.100 is hereby amended to read as follows:

32 179A.100 1. The following records of criminal history may
33 be disseminated by an agency of criminal justice without any
34 restriction pursuant to this chapter:

35 (a) Any which reflect records of conviction only; and

36 (b) Any which pertain to an incident for which a person is
37 currently within the system of criminal justice, including parole or
38 probation.

39 2. Without any restriction pursuant to this chapter, a record of
40 criminal history or the absence of such a record may be:

41 (a) Disclosed among agencies which maintain a system for the
42 mutual exchange of criminal records.

43 (b) Furnished by one agency to another to administer the system
44 of criminal justice, including the furnishing of information by a
45 police department to a district attorney.



- 1 (c) Reported to the Central Repository.
- 2 3. An agency of criminal justice shall disseminate to a
- 3 prospective employer, upon request, records of criminal history
- 4 concerning a prospective employee or volunteer which:
 - 5 (a) Reflect convictions only; or
 - 6 (b) Pertain to an incident for which the prospective employee or
 - 7 volunteer is currently within the system of criminal justice,
 - 8 including parole or probation.
- 9 4. ~~The Central Repository shall disseminate to a prospective~~
- 10 ~~or current employer, upon request, information relating to sexual~~
- 11 ~~offenses concerning an employee, prospective employee, volunteer~~
- 12 ~~or prospective volunteer who gives his written consent to the release~~
- 13 ~~of that information.~~
- 14 ~~—5.]~~ Records of criminal history must be disseminated by an
- 15 agency of criminal justice upon request, to the following persons or
- 16 governmental entities:
 - 17 (a) The person who is the subject of the record of criminal
 - 18 history for the purposes of NRS 179A.150.
 - 19 (b) The person who is the subject of the record of criminal
 - 20 history or his attorney of record when the subject is a party in a
 - 21 judicial, administrative, licensing, disciplinary or other proceeding
 - 22 to which the information is relevant.
 - 23 (c) The State Gaming Control Board.
 - 24 (d) The State Board of Nursing.
 - 25 (e) The Private Investigator's Licensing Board to investigate an
 - 26 applicant for a license.
 - 27 (f) A public administrator to carry out his duties as prescribed in
 - 28 chapter 253 of NRS.
 - 29 (g) A public guardian to investigate a ward or proposed ward or
 - 30 persons who may have knowledge of assets belonging to a ward or
 - 31 proposed ward.
 - 32 (h) Any agency of criminal justice of the United States or of
 - 33 another state or the District of Columbia.
 - 34 (i) Any public utility subject to the jurisdiction of the Public
 - 35 Utilities Commission of Nevada when the information is necessary
 - 36 to conduct a security investigation of an employee or prospective
 - 37 employee, or to protect the public health, safety or welfare.
 - 38 (j) Persons and agencies authorized by statute, ordinance,
 - 39 executive order, court rule, court decision or court order as
 - 40 construed by appropriate state or local officers or agencies.
 - 41 (k) Any person or governmental entity which has entered into a
 - 42 contract to provide services to an agency of criminal justice relating
 - 43 to the administration of criminal justice, if authorized by the
 - 44 contract, and if the contract also specifies that the information will



1 be used only for stated purposes and that it will be otherwise
2 confidential in accordance with state and federal law and regulation.

3 (l) Any reporter for the electronic or printed media in his
4 professional capacity for communication to the public.

5 (m) Prospective *or current* employers *of prospective or current*
6 *employees or volunteers* if the person who is the subject of the
7 information has given written consent to the release of that
8 information by the agency which maintains it.

9 (n) For the express purpose of research, evaluative or statistical
10 programs pursuant to an agreement with an agency of criminal
11 justice.

12 (o) An agency which provides child welfare services, as defined
13 in NRS 432B.030.

14 (p) The Welfare Division of the Department of Human
15 Resources or its designated representative.

16 (q) An agency of this or any other state or the Federal
17 Government that is conducting activities pursuant to Part D of
18 ~~[Title]~~ *Subchapter IV of Chapter 7 of Title 42 of* the Social
19 Security Act, 42 U.S.C. §§ 651 et seq.

20 (r) The State Disaster Identification Team of the Division of
21 Emergency Management of the Department.

22 (s) The Commissioner of Insurance.

23 ~~[6.]~~ **5.** Agencies of criminal justice in this state which receive
24 information from sources outside this state concerning transactions
25 involving criminal justice which occur outside Nevada shall treat the
26 information as confidentially as is required by the provisions of this
27 chapter.

28 **Sec. 5.** NRS 179A.110 is hereby amended to read as follows:

29 179A.110 No person who receives information relating to
30 ~~[sexual offenses or other]~~ records of criminal history pursuant to this
31 chapter *or who receives information pursuant to NRS 179A.180 to*
32 *179A.240, inclusive,* may disseminate it further without express
33 authority of law or in accordance with a court order. This section
34 does not prohibit the dissemination of material by an employee of
35 the electronic or printed media in his professional capacity for
36 communication to the public.

37 **Sec. 6.** NRS 179A.130 is hereby amended to read as follows:

38 179A.130 Each agency of criminal justice which maintains and
39 disseminates information relating to ~~[sexual offenses or other]~~
40 records of criminal history must maintain a log of each
41 dissemination of that information other than a dissemination of the
42 fact that the agency has no record relating to a certain person. The
43 log must be maintained for at least 1 year after the information is
44 disseminated, and must contain:



1 1. An entry showing to what agency or person the information
2 relating to ~~sexual offenses or other~~ records of criminal history
3 were provided;

4 2. The date on which the information was provided;

5 3. The person who is the subject of the information; and

6 4. A brief description of the information provided.

7 **Sec. 7.** NRS 179A.140 is hereby amended to read as follows:

8 179A.140 1. ~~An~~ *Except as otherwise provided in this*
9 *subsection, an* agency of criminal justice may charge a reasonable
10 fee for information relating to ~~sexual offenses or other~~ records of
11 criminal history ~~furnished~~ *provided* to any person or governmental
12 entity . ~~except~~ *An agency of criminal justice shall not charge a*
13 *fee for providing such information to* another agency of criminal
14 justice ~~and~~ *if the information is provided for purposes of the*
15 *administration of criminal justice, or for providing such*
16 *information to* the State Disaster Identification Team of the
17 Division of Emergency Management of the Department. The
18 Central Repository shall not charge such a fee for information
19 relating to a person regarding whom the Central Repository
20 ~~furnished~~ *provided* a similar report within the immediately
21 preceding 6 months in conjunction with the application by that
22 person for professional licensure.

23 2. All money received or collected by the Department pursuant
24 to this section must be used to defray the cost of operating the
25 Central Repository.

26 **Sec. 8.** NRS 179A.150 is hereby amended to read as follows:

27 179A.150 1. The Central Repository and each state,
28 municipal, county or metropolitan police agency shall permit a
29 person, who is or believes he may be the subject of information
30 relating to ~~sexual offenses or other~~ records of criminal history
31 maintained by that agency, to appear in person during normal
32 business hours of the agency and inspect any recorded information
33 held by that agency pertaining to him. This right of access does not
34 extend to data contained in intelligence, investigative or other
35 related files, and does not include any information other than ~~that~~
36 ~~defined as information relating to sexual offenses or~~ *information*
37 *contained in* a record of criminal history.

38 2. Each such agency shall adopt regulations and make available
39 necessary forms to permit inspection and review of information
40 relating to ~~sexual offenses or~~ other records of criminal history by
41 those persons who are the subjects thereof. The regulations must
42 specify:

43 (a) The reasonable periods during which the records are
44 available for inspection;



1 (b) The requirements for proper identification of the persons
2 seeking access to the records; and

3 (c) The reasonable charges or fees, if any, for inspecting records.
4 3. Each such agency shall procure for and furnish to any person
5 who requests it and pays a reasonable fee therefor, all of the
6 information contained in the Central Repository which pertains to
7 the person making the request.

8 4. The Director of the Department shall adopt regulations
9 governing:

10 (a) All challenges to the accuracy or sufficiency of information
11 relating to ~~sexual offenses or other~~ records of criminal history by
12 the person who is the subject of the allegedly inaccurate or
13 insufficient record;

14 (b) The correction of any information relating to ~~sexual~~
15 ~~offenses or other record~~ records of criminal history found by the
16 Director to be inaccurate, insufficient or incomplete in any material
17 respect;

18 (c) The dissemination of corrected information to those persons
19 or agencies which have previously received inaccurate or
20 incomplete information; and

21 (d) A time limit of not more than 90 days within which
22 inaccurate or insufficient information relating to ~~sexual offenses or~~
23 ~~other~~ records of criminal history must be corrected and the
24 corrected information disseminated. The corrected information must
25 be sent to each person who requested the information in the 12
26 months preceding the date on which the correction was made, and
27 notice of the correction must be sent to each person entitled thereto
28 pursuant to NRS 179A.210, to the address given by each person
29 who requested the information when the request was made.

30 **Sec. 9.** NRS 179A.180 is hereby amended to read as follows:

31 179A.180 As used in NRS 179A.180 to 179A.240, inclusive,
32 unless the context otherwise requires:

33 1. "Employee" means a person who renders time and services
34 to an employer, *with or without compensation*, and whose regular
35 course of duties places that person in a position to:

36 (a) Exercise supervisory or disciplinary control over children;

37 (b) Have direct access to or contact with children served by the
38 employer; or

39 (c) Have access to information or records maintained by the
40 employer relating to identifiable children served by the
41 employer,

42 and includes a prospective employee, ~~but does not include a~~
43 volunteer or prospective volunteer.

44 2. "Employer" means a person, or a governmental agency or
45 political subdivision of this state that is not an agency of criminal



1 justice, whose employees regularly render services to children,
2 including , without limitation , care, treatment, transportation,
3 instruction, companionship, entertainment and custody.

4 **Sec. 10.** NRS 179A.190 is hereby amended to read as follows:

5 179A.190 1. Notice of information relating to ~~sexual~~ *the*
6 offenses *listed in subsection 4* may be disseminated to employers
7 pursuant to NRS 179A.180 to 179A.240, inclusive.

8 2. An employer may consider such a notice of information
9 concerning an employee when making a decision to hire, retain,
10 suspend or discharge the employee, and is not liable in an action
11 alleging discrimination based upon consideration of information
12 obtained pursuant to NRS 179A.180 to 179A.240, inclusive.

13 3. The provisions of NRS 179A.180 to 179A.240, inclusive, do
14 not limit or restrict any other statute specifically permitting the
15 dissemination or release of information relating to ~~sexual offenses~~
16 *the offenses listed in subsection 4.*

17 4. *The offenses for which a notice of information may be*
18 *disseminated pursuant to subsection 1 includes information*
19 *contained in or concerning a record of criminal history, or the*
20 *records of criminal history of the United States or another state,*
21 *relating in any way to:*

22 (a) *A sexual offense;*

23 (b) *Murder, voluntary manslaughter or mayhem;*

24 (c) *Assault with intent to kill or to commit mayhem;*

25 (d) *Abuse or neglect of a child or contributory delinquency;*

26 (e) *A violation of any provision of chapter 453 of NRS;*

27 (f) *A violation committed within the immediately preceding 7*
28 *years of any federal or state law regulating the possession,*
29 *distribution or use of any controlled substance or any dangerous*
30 *drug as defined in chapter 454 of NRS;*

31 (g) *A violation of any provision of NRS 200.5099;*

32 (h) *A violation of any provision of NRS 484.379 or 484.3795;*

33 (i) *Any offense committed within the immediately preceding 7*
34 *years involving fraud, theft, embezzlement, burglary, robbery,*
35 *fraudulent conversion or misappropriation of property; or*

36 (j) *Any other felony committed within the immediately*
37 *preceding 7 years involving the use of a firearm or other deadly*
38 *weapon.*

39 5. *The information described in subsection 4 includes acts*
40 *committed outside this state that would constitute any of the*
41 *offenses listed in that subsection if committed in this state, and*
42 *the aiding, abetting, attempting or conspiring to engage in any of*
43 *the offenses listed in that subsection.*



1 **Sec. 11.** NRS 179A.200 is hereby amended to read as follows:
2 179A.200 1. An employer may request from the Central
3 Repository notice of information relating to ~~sexual~~ *the* offenses
4 *listed in subsection 4 of NRS 179A.190* concerning an employee.

5 2. A request for notice of information relating to ~~sexual~~ *the*
6 offenses *listed in subsection 4 of NRS 179A.190* from an employer
7 must conform to the requirements of the Central Repository. The
8 request must include:

9 (a) The name and address of the employer, and the name and
10 signature of the person requesting the notice on behalf of the
11 employer;

12 (b) The name and address of the employer's facility in which the
13 employee is employed or seeking to become employed;

14 (c) The name, *a complete set of* fingerprints and other
15 identifying information of the employee;

16 (d) Signed consent by the employee ~~to a~~ *authorizing:*

17 (1) *The employer to forward the fingerprints of the*
18 *employee to the Central Repository for submission to the Federal*
19 *Bureau of Investigation for its report;*

20 (2) *A search of information relating to sexual the* offenses
21 *listed in subsection 4 of NRS 179A.190* concerning ~~him, and for~~
22 *the employee; and*

23 (3) *The* release of a notice concerning that information;

24 (e) The mailing address of the employee or a signed waiver of
25 the right of the employee to be sent a copy of the information
26 disseminated to the employer as a result of the search of the records
27 of criminal history; and

28 (f) The signature of the employee indicating that he has been
29 notified of:

30 (1) The types of information for which notice is subject to
31 dissemination pursuant to NRS 179A.210, or a description of the
32 information;

33 (2) The employer's right to require a check of the records of
34 criminal history as a condition of employment; and

35 (3) The employee's right, pursuant to NRS 179A.150, to
36 challenge the accuracy or sufficiency of any information
37 disseminated to the employer.

38 **Sec. 12.** NRS 179A.210 is hereby amended to read as follows:

39 179A.210 1. Upon receipt of a request from an employer for
40 notice of information relating to ~~sexual offenses,~~ *the offenses*
41 *listed in subsection 4 of NRS 179A.190*, the Central Repository
42 shall undertake a search for the information, unless the request does
43 not conform to the requirements of the Repository. The search must
44 be based on the ~~employee's fingerprints,~~ *fingerprints of the*
45 *employee*, or on a number furnished to the employee for



1 identification pursuant to a previous search, as provided by the
2 employer, and must include:

3 (a) Identifying any information relating to ~~{sexual}~~ *the* offenses
4 *listed in subsection 4 of NRS 179A.190* concerning the employee in
5 the Central Repository;

6 (b) Requesting information relating to ~~{sexual}~~ *the* offenses
7 *listed in subsection 4 of NRS 179A.190* concerning the employee
8 from federal repositories and repositories of other states, if
9 authorized by federal law or an agreement entered into pursuant to
10 NRS 179A.075;

11 (c) If the information pertains to an arrest for which no
12 disposition has been reported, contacting appropriate officers in the
13 local jurisdiction where the arrest or prosecution occurred to verify
14 and update the information; and

15 (d) Determining whether the information relating to ~~{sexual}~~ *the*
16 offenses *listed in subsection 4 of NRS 179A.190* is the type of
17 information for which notice is subject to dissemination pursuant to
18 this section.

19 2. Notice of information relating to ~~{sexual}~~ *the* offenses *listed*
20 *in subsection 4 of NRS 179A.190* may be disseminated to an
21 employer who has requested it only if a check of the pertinent
22 records indicates:

23 (a) A conviction for ~~{a-sexual}~~ *any such* offense, or a conviction
24 based on an arrest or on an initial charge for ~~{a-sexual}~~ *any such*
25 offense;

26 (b) An arrest or an initial charge for ~~{a-sexual}~~ *any such* offense
27 *that is* pending at the time of the request; or

28 (c) Two or more incidents resulting in arrest or initial charge for
29 ~~{a-sexual}~~ *any such* offense that have not resulted in a conviction.

30 3. If a search of the records of the Central Repository reveals
31 no information for which notice is subject to release, the Central
32 Repository shall submit the fingerprints of the employee to the
33 Federal Bureau of Investigation for a search of its records of
34 criminal history. The Central Repository shall review all
35 information received from the Federal Bureau of Investigation.
36 Notice of any information received from the Federal Bureau of
37 Investigation may be disseminated only if the information is of a
38 kind for which notice is subject to release pursuant to this section.

39 4. Within 30 days after receipt of a request by an employer for
40 notice of information relating to ~~{sexual-offenses,}~~ *the offenses*
41 *listed in subsection 4 of NRS 179A.190*, the Central Repository
42 shall send a written report of the results of the search to the
43 employer and to the employee, except that if the employee has
44 waived his right to receive the results of the search, the report must
45 be sent only to the employer. If the search revealed:



1 (a) No information for which notice is subject to release, the
2 report must include a statement to that effect; or
3 (b) Information about the employee for which notice is subject
4 to release, the report must include a notice of the type of
5 information, limited to the descriptions set forth in subsection 2,
6 revealed by the search. The notice must not include any further facts
7 or details concerning the information. A statement of the purpose for
8 which the notice is being disseminated, and the procedures by which
9 the employee might challenge the accuracy and sufficiency of the
10 information, must also be included with the report.
11 5. Upon receipt of corrected information relating to ~~sexual~~
12 *the offenses listed in subsection 4 of NRS 179A.190* for which
13 notice was disseminated under this section, the Central Repository
14 shall send written notice of the correction to:
15 (a) The employee who was the subject of the search, unless the
16 employee has waived his right to receive such a notice;
17 (b) All employers to whom notice of the results of the search
18 were disseminated within 3 months before the correction; and
19 (c) Upon request of the employee, any other employers who
20 previously received the information.
21 6. Upon receipt of new information relating to ~~sexual~~ *the*
22 offenses *listed in subsection 4 of NRS 179A.190* concerning an
23 employee who was the subject of a search within the previous 3
24 months, for which notice is subject to dissemination under this
25 section, the Central Repository shall send written notice of the
26 information to:
27 (a) The employee who was the subject of the search, unless the
28 employee has waived his right to receive such a notice;
29 (b) All employers to whom a report of the results of the search
30 were disseminated within 3 months before the correction; and
31 (c) Upon request of the employee, any other employers who
32 previously received a report of the results of the search.
33 **Sec. 13.** NRS 179A.230 is hereby amended to read as follows:
34 179A.230 1. A person who is the subject of a request for
35 notice of information ~~relating to sexual offenses~~ pursuant to NRS
36 179A.180 to 179A.240, inclusive, may recover his actual damages
37 in a civil action against:
38 (a) The Central Repository for an intentional or grossly
39 negligent:
40 (1) Dissemination of information relating to ~~sexual~~ *the*
41 offenses *listed in subsection 4 of NRS 179A.190* not authorized for
42 dissemination; or
43 (2) Release of information relating to ~~sexual~~ *the* offenses
44 *listed in subsection 4 of NRS 179A.190* to a person not authorized
45 to receive the information;



1 (b) The Central Repository for an intentional or grossly
2 negligent failure to correct any notice of information relating to
3 ~~sexual~~ *the* offenses *listed in subsection 4 of NRS 179A.190* which
4 was disseminated pursuant to NRS 179A.180 to 179A.240,
5 inclusive; or

6 (c) An employer, representative of an employer or employee for
7 an intentional or grossly negligent violation of NRS 179A.110.
8 Punitive damages may be awarded against an employer,
9 representative of an employer or employee whose violation of NRS
10 179A.110 is malicious.

11 2. An employer is liable to a child served by the employer for
12 damages suffered by the child as a result of ~~a sexual~~ *an* offense
13 *listed in subsection 4 of NRS 179A.190* committed against the child
14 by an employee ~~hired on or after January 1, 1988,~~ if, at the time
15 the employer hired the employee, the employee was the subject of
16 information relating to ~~sexual~~ *the* offenses for which notice was
17 available for dissemination to the employer and the employer:

18 (a) Failed, without good cause, to request notice of the
19 information pursuant to NRS 179A.180 to 179A.240, inclusive; or

20 (b) Was unable to obtain the information because the employee
21 refused to consent to the search and release of the information, and
22 the employer hired or retained the employee despite this
23 refusal.

24 The amount of damages for which an employer is liable pursuant to
25 this subsection must be reduced by the amount of damages
26 recovered by the child in an action against the employee for
27 damages sustained as a result of ~~the sexual offense,~~ *an offense*
28 *listed in subsection 4 of NRS 179A.190.*

29 3. An action pursuant to this section must be brought within 3
30 years after:

31 (a) The occurrence upon which the action is based; or

32 (b) The date upon which the party bringing the action became
33 aware or reasonably should have become aware of the occurrence,
34 whichever was earlier, if he was not aware of the occurrence at the
35 time of the occurrence.

36 4. This section does not limit or affect any other rights, claims
37 or causes of action arising by statute or common law.

38 **5. For the purposes of subsection 2:**

39 (a) *“Employee” does not include a volunteer or prospective*
40 *volunteer.*

41 (b) *In any civil action brought against an employer with*
42 *respect to a volunteer or prospective volunteer, the fact that the*
43 *employer did not request notice of information relating to the*
44 *offenses listed in subsection 4 of NRS 179A.190 pursuant to NRS*



1 *179A.180 to 179A.240, inclusive, must not be considered as*
2 *evidence of negligence or causation.*

3 **Sec. 14.** NRS 179A.240 is hereby amended to read as follows:
4 179A.240 A person who knowingly and willfully:

5 1. Uses NRS 179A.180 to 179A.240, inclusive, to obtain or
6 seek to obtain information relating to ~~sexual~~ *the* offenses *listed in*
7 *subsection 4 of NRS 179A.190* under false pretenses;

8 2. Disseminates or attempts to disseminate information relating
9 to ~~sexual~~ *the* offenses *listed in subsection 4 of NRS 179A.190* that
10 he knows was not received in accordance with the provisions of this
11 chapter; or

12 3. Disseminates or attempts to disseminate information relating
13 to ~~sexual~~ *the* offenses *listed in subsection 4 of NRS 179A.190* that
14 he knows is false, inaccurate or incomplete,
15 is guilty of a misdemeanor.

16 **Sec. 15.** NRS 179A.310 is hereby amended to read as follows:
17 179A.310 1. The revolving Account to Investigate the
18 Background of Volunteers Who Work With Children is hereby
19 created in the State General Fund.

20 2. The Director of the Department shall administer the Account
21 to Investigate the Background of Volunteers Who Work With
22 Children. The money in the Account must be expended only to pay
23 the costs of the Central Repository to process requests from
24 nonprofit agencies to determine whether a volunteer of a nonprofit
25 agency who works directly with children or a prospective volunteer
26 of the nonprofit agency who will work directly with children has
27 committed ~~sexual offense~~ *an offense listed in subsection 4 of*
28 *NRS 179A.190*. The existence of the Account to Investigate the
29 Background of Volunteers Who Work With Children does not
30 create a right in any person to receive money from the Account.

31 3. The Director of the Department may apply for and accept
32 any gift, donation, bequest, grant or other source of money. Any
33 money so received must be deposited in the Account to Investigate
34 the Background of Volunteers Who Work With Children.

35 4. The interest and income earned on money in the Account
36 from any gift, donation ~~or~~ or bequest, after deducting any applicable
37 charges, must be credited to the Account. Money from any gift,
38 donation ~~or~~ or bequest that remains in the Account at the end of the
39 fiscal year does not revert to the State General Fund, and the balance
40 in the Account must be carried forward to the next fiscal year.

41 5. The Director of the Department shall adopt regulations to
42 carry out the provisions of this section. The regulations must
43 include, without limitation:



1 (a) The procedure by which a person may apply for a grant of
2 money from the Account to Investigate the Background of
3 Volunteers Who Work With Children;

4 (b) The criteria that the Department will consider in determining
5 whether to award such a grant of money from the Account; and

6 (c) Procedures to distribute the money in the Account in a fair
7 and equitable manner.

8 6. The following facts must not be considered as evidence of
9 negligence or causation in any civil action brought against a
10 nonprofit agency:

11 (a) The fact that the nonprofit agency did not apply for a grant of
12 money from the Account.

13 (b) The fact that the nonprofit agency did not request that the
14 Central Repository, through the use of the Account, determine
15 whether a volunteer or prospective volunteer of the nonprofit agency
16 has committed ~~[a sexual offense.]~~ *an offense listed in subsection 4*
17 *of NRS 179A.190.*

18 **Sec. 16.** NRS 179B.250 is hereby amended to read as follows:

19 179B.250 1. The Department shall, in a manner prescribed
20 by the Director, establish within the Central Repository a program to
21 provide the public with access to certain information contained in
22 the statewide registry. The program may include, but is not limited to,
23 the use of a secure website on the Internet or other electronic
24 means of communication to provide the public with access to certain
25 information contained in the statewide registry if such information is
26 made available and disclosed in accordance with the procedures set
27 forth in this section.

28 2. Before a search of the statewide registry is conducted on
29 behalf of a requester seeking information from the program, the
30 requester must provide his name, address and telephone number and
31 the following information concerning the identity of the subject of
32 the search:

33 (a) The name of the subject of the search and at least one of the
34 following items:

- 35 (1) The social security number of the subject of the search;
36 (2) The identification number from a driver's license or an
37 identification card issued to the subject of the search by this state; or
38 (3) The date of birth of the subject of the search; or

39 (b) The name and address of the subject of the search and all of
40 the following items:

- 41 (1) The race or ethnicity of the subject of the search;
42 (2) The hair color and eye color of the subject of the search;
43 (3) The approximate height and weight of the subject of the
44 search; and
45 (4) The approximate age of the subject of the search.



1 After conducting a search based upon information provided
2 pursuant to paragraph (a) or (b), the Central Repository may require
3 the requester to provide additional information to confirm the
4 identity of the subject of the search. The additional information may
5 include, but is not limited to, the license number from a motor
6 vehicle frequently driven by the subject of the search, the employer
7 of the subject of the search or any information listed in paragraph
8 (a) or (b) that was not provided for the initial search.

9 3. After conducting a search of the statewide registry on behalf
10 of a requester, the Central Repository shall inform the requester that:

11 (a) No person listed in the statewide registry matches the
12 information provided by the requester concerning the identity of the
13 subject of the search;

14 (b) The requester needs to provide additional information
15 concerning the identity of the subject of the search before the
16 Central Repository may disclose the results of the search; or

17 (c) A person listed in the statewide registry matches the
18 information provided by the requester concerning the identity of the
19 subject of the search. If a search of the statewide registry results in a
20 match pursuant to this paragraph, the Central Repository:

21 (1) Shall inform the requester of each offense for which the
22 subject of the search was convicted and the date and location of
23 each conviction.

24 (2) May, through the use of a secure website on the Internet
25 or other electronic means of communication, provide the requester
26 with a photographic image of the subject of the search if such an
27 image is available.

28 (3) Shall not provide the requester with any other
29 information that is included in the record of registration for the
30 subject of the search.

31 4. For each inquiry to the program, the Central Repository
32 shall:

33 (a) Charge a fee to the requester;

34 (b) Maintain a log of the information provided by the requester
35 to the Central Repository and the information provided by the
36 Central Repository to the requester; and

37 (c) Inform the requester that information obtained through the
38 program may not be used to violate the law or the individual rights
39 of another person and that such misuse of information obtained
40 through the program may subject the requester to criminal
41 prosecution or civil liability for damages.

42 5. A person may not use information obtained through the
43 program as a substitute for information relating to ~~sexual~~ *the*
44 offenses *listed in subsection 4 of NRS 179A.190* that must be



1 provided by the Central Repository pursuant to NRS 179A.180 to
2 179A.240, inclusive, or another provision of law.

3 **Sec. 17.** NRS 202.366 is hereby amended to read as follows:

4 202.366 1. Upon receipt by a sheriff of an application for a
5 permit, the sheriff shall conduct an investigation of the applicant for a
6 determine if he is eligible for a permit. In conducting the
7 investigation, the sheriff shall forward a complete set of the
8 applicant's fingerprints to the Central Repository for Nevada
9 Records of Criminal History ~~and~~ *for submission to* the Federal
10 Bureau of Investigation for ~~its~~ *its* report concerning the criminal
11 history of the applicant. The sheriff shall issue a permit to the
12 applicant unless he is not qualified to possess a handgun pursuant to
13 state or federal law or is not otherwise qualified to obtain a permit
14 pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations
15 adopted pursuant thereto.

16 2. To assist the sheriff in conducting his investigation, any
17 local law enforcement agency, including the sheriff of any county,
18 may voluntarily submit to the sheriff a report or other information
19 concerning the criminal history of an applicant.

20 3. Within 120 days after a complete application for a permit is
21 submitted, the sheriff to whom the application is submitted shall
22 grant or deny the application. If the application is denied, the sheriff
23 shall send the applicant written notification setting forth the reasons
24 for the denial. If the application is granted, the sheriff shall provide
25 the applicant with a permit containing a colored photograph of the
26 applicant and containing such other information as may be
27 prescribed by the department. The permit must be in substantially
28 the following form:

29
30 **NEVADA CONCEALED FIREARM PERMIT**

31
32 County Permit Number.....
33 Expires..... Date of Birth
34 Height..... Weight.....
35 Name Address
36 City..... Zip.....
37 Photograph
38 Signature
39 Issued by.....
40 Date of Issue.....
41 Make, model and caliber of each authorized firearm.....
42

43 4. Unless suspended or revoked by the sheriff who issued the
44 permit, a permit expires:



1 (a) If the permittee was a resident of this state at the time the
2 permit was issued, on the fifth anniversary of the permittee's
3 birthday, measured from the birthday nearest the date of issuance or
4 renewal.

5 (b) If the permittee was not a resident of this state at the time the
6 permit was issued, on the third anniversary of the permittee's
7 birthday, measured from the birthday nearest the date of issuance or
8 renewal.

9 5. If the date of birth of a permittee is on February 29 in a leap
10 year, for the purposes of NRS 202.3653 to 202.369, inclusive, his
11 date of birth shall be deemed to be on February 28.

12 **Sec. 18.** NRS 239B.010 is hereby amended to read as follows:

13 239B.010 **1.** Any agency of the State or any political
14 subdivision may request of and receive from the Federal Bureau of
15 Investigation information on the background and personal history of
16 any person:

17 ~~1-1~~ (a) Who has applied to it for a license *as required by any*
18 *statute or local ordinance* which it has the power to grant or deny;

19 ~~1-2~~ (b) With whom it intends to enter into a relationship of
20 employment or a contract for personal services; or

21 ~~1-3~~ (c) About whom it has a legitimate need to have accurate
22 personal information for the protection of the agency or the people
23 within its jurisdiction.

24 **2. Except as otherwise provided in subsection 3:**

25 (a) *To request and receive information from the Federal*
26 *Bureau of Investigation concerning a person pursuant to*
27 *subsection 1, the agency or political subdivision must:*

28 (1) *Require the person to submit a complete set of his*
29 *fingerprints; and*

30 (2) *Forward the fingerprints to the Central Repository for*
31 *Nevada Records of Criminal History for submission to the Federal*
32 *Bureau of Investigation for its report.*

33 (b) *Only the Central Repository may:*

34 (1) *Receive fingerprints from an agency of the State or any*
35 *political subdivision for submission to the Federal Bureau of*
36 *Investigation pursuant to this section;*

37 (2) *Submit those fingerprints to the Federal Bureau of*
38 *Investigation; and*

39 (3) *Receive a report from the Federal Bureau of*
40 *Investigation based on the submission of those fingerprints.*

41 **3. If an agency or political subdivision that wishes to request**
42 **and receive information from the Federal Bureau of Investigation**
43 **concerning a person pursuant to subsection 1 is required by**
44 **federal law to comply with specific procedures to request and**



1 *receive such information from the Federal Bureau of*
2 *Investigation:*

3 *(a) The provisions of subsection 2 do not apply to the agency*
4 *or political subdivision; and*

5 *(b) The agency or political subdivision must comply with the*
6 *specific procedures required by federal law.*

7 **Sec. 19.** NRS 391.033 is hereby amended to read as follows:

8 391.033 1. All licenses for teachers and other educational
9 personnel are granted by the Superintendent of Public Instruction
10 pursuant to regulations adopted by the Commission and as
11 otherwise provided by law.

12 2. An application for the issuance of a license must include the
13 social security number of the applicant.

14 3. Every applicant for a license must submit with his
15 application a complete set of his fingerprints and written permission
16 authorizing the Superintendent to forward the fingerprints *to the*
17 *Central Repository for Nevada Records of Criminal History for its*
18 *report on the criminal history of the applicant and for submission*
19 *to the Federal Bureau of Investigation* ~~and to the Central~~
20 ~~Repository for Nevada Records of Criminal History for their~~
21 ~~reports] for its report~~ on the criminal history of the applicant.

22 4. The Superintendent may issue a provisional license pending
23 receipt of the reports of the Federal Bureau of Investigation and the
24 Central Repository for Nevada Records of Criminal History if he
25 determines that the applicant is otherwise qualified.

26 5. A license must be issued to an applicant if:

27 (a) The Superintendent determines that the applicant is
28 qualified;

29 (b) The reports on the criminal history of the applicant from the
30 Federal Bureau of Investigation and the Central Repository for
31 Nevada Records of Criminal History:

32 (1) Do not indicate that the applicant has been convicted of a
33 felony or any offense involving moral turpitude; or

34 (2) Indicate that the applicant has been convicted of a felony
35 or an offense involving moral turpitude but the Superintendent
36 determines that the conviction is unrelated to the position within the
37 county school district for which the applicant applied; and

38 (c) The applicant submits the statement required pursuant to
39 NRS 391.034.

40 **Sec. 20.** NRS 391.100 is hereby amended to read as follows:

41 391.100 1. The board of trustees of a school district may
42 employ a superintendent of schools, teachers and all other necessary
43 employees.

44 2. The board of trustees of a school district:



* A B 1 5 5 R 3 *

1 (a) May employ teacher aides and other auxiliary,
2 nonprofessional personnel to assist licensed personnel in the
3 instruction or supervision of children, either in the classroom or at
4 any other place in the school or on the grounds thereof; and

5 (b) Shall establish policies governing the duties and
6 performance of teacher aides.

7 3. Each applicant for employment pursuant to this section,
8 except a teacher or other person licensed by the Superintendent of
9 Public Instruction, must, as a condition to employment, submit to
10 the school district a full set of his fingerprints and written
11 permission authorizing the school district to forward the fingerprints
12 *to the Central Repository for Nevada Records of Criminal History*
13 *for its report on the criminal history of the applicant and for*
14 *submission* to the Federal Bureau of Investigation ~~and the Central~~
15 ~~Repository for Nevada Records of Criminal History for their~~
16 ~~reports~~ *for its report* on the criminal history of the applicant.

17 4. Except as otherwise provided in subsection 5, the board of
18 trustees of a school district shall not require a licensed teacher or
19 other person licensed by the Superintendent of Public Instruction
20 pursuant to NRS 391.033 who has taken a leave of absence from
21 employment authorized by the school district, including, without
22 limitation:

23 (a) Sick leave;

24 (b) Sabbatical leave;

25 (c) Personal leave;

26 (d) Leave for attendance at a regular or special session of the
27 Legislature of this state if the employee is a member thereof;

28 (e) Maternity leave; and

29 (f) Leave permitted by the Family and Medical Leave Act of
30 1993, 29 U.S.C. §§ 2601 et seq.,

31 to submit a set of his fingerprints as a condition of return to or
32 continued employment with the school district if the employee is in
33 good standing when the employee began the leave.

34 5. A board of trustees of a school district may ask the
35 Superintendent of Public Instruction to require a person licensed by
36 the Superintendent of Public Instruction pursuant to NRS 391.033
37 who has taken a leave of absence from employment authorized by
38 the school district to submit a set of his fingerprints as a condition of
39 return to or continued employment with the school district if the
40 board of trustees has probable cause to believe that the person has
41 committed a felony or an offense involving moral turpitude during
42 the period of his leave of absence.

43 6. The board of trustees of a school district may employ or
44 appoint persons to serve as school police officers. If the board of
45 trustees of a school district employs or appoints persons to serve as



1 school police officers, the board of trustees shall employ a law
2 enforcement officer to serve as the chief of school police who is
3 supervised by the superintendent of schools of the school district.
4 The chief of school police shall supervise each person appointed or
5 employed by the board of trustees as a school police officer. In
6 addition, persons who provide police services pursuant to subsection
7 7 or 8 shall be deemed school police officers.

8 7. The board of trustees of a school district in a county that has
9 a metropolitan police department created pursuant to chapter 280 of
10 NRS ~~[]~~ may contract with the metropolitan police department for
11 the provision and supervision of police services in the public
12 schools within the jurisdiction of the metropolitan police department
13 and on property therein that is owned by the school district. If a
14 contract is entered into pursuant to this subsection, the contract must
15 make provision for the transfer of each school police officer
16 employed by the board of trustees to the metropolitan police
17 department. If the board of trustees of a school district contracts
18 with a metropolitan police department pursuant to this subsection,
19 the board of trustees shall, if applicable, cooperate with appropriate
20 local law enforcement agencies within the school district for the
21 provision and supervision of police services in the public schools
22 within the school district and on property owned by the school
23 district, but outside the jurisdiction of the metropolitan police
24 department.

25 8. The board of trustees of a school district in a county that
26 does not have a metropolitan police department created pursuant to
27 chapter 280 of NRS may contract with the sheriff of that county for
28 the provision of police services in the public schools within the
29 school district and on property therein that is owned by the school
30 district.

31 **Sec. 21.** NRS 394.465 is hereby amended to read as follows:

32 394.465 1. Except as otherwise provided in subsection 4,
33 before a postsecondary educational institution employs or contracts
34 with a person:

- 35 (a) To occupy an instructional position;
- 36 (b) To occupy an administrative or financial position, including
37 a position as school director, personnel officer, counselor, admission
38 representative, solicitor, canvasser, surveyor, financial aid officer or
39 any similar position; or
- 40 (c) To act as an agent for the institution,

41 the applicant must submit to the Administrator completed
42 fingerprint cards and a form authorizing an investigation of the
43 applicant's background and the submission of *a complete set of* his
44 fingerprints to the Central Repository for Nevada Records of
45 Criminal History ~~[and]~~ *for its report and for submission to* the



1 Federal Bureau of Investigation ~~[]~~ *for its report.* The fingerprint
2 cards and authorization form submitted must be those which are
3 provided to the applicant by the Administrator. The applicant's
4 fingerprints must be taken by an agency of law enforcement.

5 2. The Administrator shall keep the results of the investigation
6 confidential . ~~[, except that if the investigation discloses that the
7 applicant has been convicted of any felony, the Administrator shall
8 notify the applicant and the hiring institution of the conviction and
9 the nature of the offense.]~~

10 3. The applicant shall pay the cost of the investigation.

11 4. An applicant is not required to satisfy the requirements of
12 subsection 1 if he:

- 13 (a) Is licensed by the Superintendent of Public Instruction;
- 14 (b) Is an employee of the United States Department of Defense;
- 15 (c) Is a member of the faculty of an accredited postsecondary
16 educational institution in another state who is domiciled in a state
17 other than Nevada and is present in Nevada for a temporary period
18 to teach at a branch of that accredited institution; or
- 19 (d) Has satisfied the requirements of subsection 1 within the
20 immediately preceding 5 years.

21 **Sec. 22.** NRS 450B.800 is hereby amended to read as follows:
22 450B.800 An applicant for any permit, license or certificate
23 issued pursuant to this chapter shall furnish to the health authority a
24 complete set of his fingerprints and written permission authorizing
25 the health authority to forward those fingerprints *to the Central
26 Repository for Nevada Records of Criminal History for submission*
27 to the Federal Bureau of Investigation for its report. The health
28 authority may exchange with the Federal Bureau of Investigation
29 any information respecting the fingerprints of an applicant.

30 **Sec. 23.** NRS 463.1405 is hereby amended to read as follows:
31 463.1405 1. The Board shall investigate the qualifications of
32 each applicant under this chapter before any license is issued or any
33 registration, finding of suitability or approval of acts or transactions
34 for which Commission approval is required or permission is
35 granted, and shall continue to observe the conduct of all licensees
36 and other persons having a material involvement directly or
37 indirectly with a licensed gaming operation or registered holding
38 company to ensure that licenses are not issued or held by, nor is
39 there any material involvement directly or indirectly with a licensed
40 gaming operation or registered holding company by unqualified,
41 disqualified or unsuitable persons, or persons whose operations are
42 conducted in an unsuitable manner or in unsuitable or prohibited
43 places or locations.

44 2. *To request and receive information from the Federal
45 Bureau of Investigation concerning an investigation of an*



1 *applicant pursuant to this section, the Board must receive a*
2 *complete set of fingerprints of the applicant which the Board must*
3 *forward to the Central Repository for Nevada Records of Criminal*
4 *History for submission to the Federal Bureau of Investigation for*
5 *its report.*

6 3. The Board has full and absolute power and authority to
7 recommend the denial of any application, the limitation,
8 conditioning or restriction of any license, registration, finding of
9 suitability or approval, the suspension or revocation of any license,
10 registration, finding of suitability or approval or the imposition of a
11 fine upon any person licensed, registered, found suitable or
12 approved for any cause deemed reasonable by the Board.

13 ~~3.1~~ 4. The Commission has full and absolute power and
14 authority to deny any application or limit, condition, restrict, revoke
15 or suspend any license, registration, finding of suitability or
16 approval, or fine any person licensed, registered, found suitable or
17 approved, for any cause deemed reasonable by the Commission.

18 **Sec. 24.** NRS 463.4095 is hereby amended to read as follows:
19 463.4095 1. To register with or request the approval of the
20 Executive Director, a qualified organization must submit to him:

21 (a) A written application containing:

22 (1) The name, address and nature of the organization.
23 (2) Proof that the organization is a qualified organization.
24 (3) The names of the officers or principals of the
25 organization, and of any person responsible for the management,
26 administration or supervision of the organization's charitable bingo
27 games and any activities related to those bingo games.

28 (4) A description of all the prizes to be offered in charitable
29 bingo games operated by the organization during the calendar year
30 to which the application pertains and, if the approval of the
31 Executive Director is required, a summary of the anticipated
32 expenses of conducting those bingo games, including copies of any
33 proposed agreements between the organization and any suppliers of
34 material for the operation of those bingo games.

35 (5) A description of the intended use of the net proceeds of
36 charitable bingo games operated by the organization during the
37 calendar year to which the application pertains.

38 (6) The address of the location where charitable bingo games
39 will be conducted by the organization during the calendar year to
40 which the application pertains.

41 (7) A statement that charitable bingo games will be
42 conducted in accordance with standards of honesty and integrity
43 applicable to licensed bingo games in this state.

44 (8) Any other information the Executive Director deems
45 appropriate.



- 1 (b) A nonrefundable fee of:
2 (1) For registration, \$10; or
3 (2) For a request for approval, \$25.

4 (c) If the qualified organization requests approval of the
5 Executive Director, it must ~~submit the~~ :

6 (1) *Submit a complete set of the* fingerprints of its officers,
7 principals and persons responsible for management of the bingo
8 games, on forms approved by the Executive Director , *which the*
9 *Executive Director may forward to the Central Repository for*
10 *Nevada Records of Criminal History for submission to the Federal*
11 *Bureau of Investigation for its report;* and ~~must reimburse~~

12 (2) *Reimburse* the Board for its costs incurred in submitting
13 the fingerprints for review.

14 2. A qualified organization shall submit such additional
15 information as necessary to correct or complete any information
16 submitted pursuant to this section that becomes inaccurate or
17 incomplete. The approval of a qualified organization is suspended
18 during the period that any of the information is inaccurate or
19 incomplete. The Executive Director may reinstate the approval of
20 the organization only after all information has been corrected and
21 completed.

22 3. The money collected pursuant to this section must be
23 expended to administer and enforce the provisions of NRS 463.4091
24 to 463.40965, inclusive.

25 **Sec. 25.** NRS 463.520 is hereby amended to read as follows:

26 463.520 A corporation, other than a publicly traded
27 corporation, which applies for a state gaming license shall register
28 as a corporation with the Board, and shall provide the following
29 information to the Board:

30 1. The organization, financial structure and nature of the
31 business to be operated, including ~~the names,~~ :

32 (a) *The names and* personal history ~~and~~ *of all officers,*
33 *directors and key employees;*

34 (b) *A complete set of the* fingerprints of all officers, directors
35 and key employees ~~, and the~~ *which the Board may forward to the*
36 *Central Repository for Nevada Records of Criminal History for*
37 *submission to the Federal Bureau of Investigation for its report;*
38 *and*

39 (c) *The* names, addresses and number of shares held by all
40 stockholders.

41 2. The rights and privileges acquired by the holders of different
42 classes of authorized securities, including debentures.

43 3. The terms on which securities are to be offered.



1 4. The terms and conditions of all outstanding loans,
2 mortgages, trust deeds, pledges or any other indebtedness or security
3 device.

4 5. The extent of the equity security holding in the corporation
5 of all officers, directors and underwriters, and their remuneration as
6 compensation for services, in the form of salary, wages, fees or
7 otherwise.

8 6. Remuneration to persons other than directors and officers
9 exceeding \$30,000 per annum.

10 7. Bonus and profit-sharing arrangements.

11 8. Management and service contracts.

12 9. Options existing, or to be created.

13 10. Balance sheets for at least 3 preceding fiscal years, or, if
14 the corporation has not been incorporated for a period of 3 years,
15 balance sheets from the time of its incorporation. All balance sheets
16 shall be certified by independent public accountants certified or
17 registered in the State of Nevada.

18 11. Profit and loss statements for at least the 3 preceding fiscal
19 years, or, if the corporation has not been incorporated for a period of
20 3 years, profit and loss statements from the time of its incorporation.
21 All profit and loss statements shall be certified by independent
22 public accountants certified or registered in the State of Nevada.

23 12. Any further financial data which the Board may deem
24 necessary or appropriate for the protection of the State of Nevada, or
25 licensed gambling, or both.

26 **Sec. 26.** NRS 463.568 is hereby amended to read as follows:

27 463.568 The limited partnership which applies for a state
28 gaming license shall register as a limited partnership with the Board,
29 and shall provide the following information to the Board:

30 1. The organization, financial structure and nature of the
31 business to be operated, including ~~{the names,}~~ :

32 *(a) The names and* personal history ~~{and}~~ *of all general*
33 *partners and key employees;*

34 *(b) A complete set of the* fingerprints of all general partners and
35 key employees ~~{, and the}~~ *which the Board may forward to the*
36 *Central Repository for Nevada Records of Criminal History for*
37 *submission to the Federal Bureau of Investigation for its report;*
38 *and*

39 *(c) The* name, address and interest of each limited partner.

40 2. The rights, privileges and relative priorities of limited
41 partners as to the return of contributions to capital, and the right to
42 receive income.

43 3. The terms on which limited partnership interests are to be
44 offered.



- 1 4. The terms and conditions of all outstanding loans,
- 2 mortgages, trust deeds, pledges or any other indebtedness or security
- 3 device.
- 4 5. The extent of the holding in the limited partnership of all
- 5 underwriters, and their remuneration as compensation for services,
- 6 in the form of salary, wages, fees or otherwise.
- 7 6. Remuneration to persons other than general partners
- 8 exceeding \$30,000 per annum.
- 9 7. Bonus and profit-sharing arrangements.
- 10 8. Management and service contracts.
- 11 9. Options existing, or to be created.
- 12 10. Balance sheets for at least the 3 preceding fiscal years, or,
- 13 if the limited partnership has not been in existence for 3 years,
- 14 balance sheets from the time of its formation. All balance sheets
- 15 must be certified by independent public accountants certified or
- 16 registered in this state.
- 17 11. Profit and loss statements for at least the 3 preceding fiscal
- 18 years, or, if the limited partnership has not been in existence for 3
- 19 years, profit and loss statements from the time of its formation. All
- 20 profit and loss statements must be certified by independent public
- 21 accountants certified or registered in this state.
- 22 12. Any further financial data which the Board may deem
- 23 necessary or appropriate for the protection of the State of Nevada, or
- 24 licensed gambling, or both.
- 25 **Sec. 27.** NRS 463.5734 is hereby amended to read as follows:
- 26 463.5734 A limited-liability company which applies for a
- 27 license shall register as a limited-liability company with the Board,
- 28 and shall provide the following information to the Board:
- 29 1. The organization, financial structure and nature of the
- 30 business to be operated, including ~~the names,~~ :
- 31 *(a) The names and personal history of each director, manager,*
- 32 *member and key employee; and*
- 33 *(b) A complete set of the fingerprints of each director, manager,*
- 34 *member and key employee ~~and~~ which the Board may forward to the*
- 35 *Central Repository for Nevada Records of Criminal History for*
- 36 *submission to the Federal Bureau of Investigation for its report.*
- 37 2. The rights, privileges and relative priorities of the members
- 38 as to the return of contributions to capital and the right to receive
- 39 distribution of profits.
- 40 3. The terms on which interests in the limited-liability
- 41 company are to be offered.
- 42 4. The terms and conditions of all outstanding loans,
- 43 mortgages, trust deeds, pledges and any other indebtedness or
- 44 security device.



1 5. The extent of the holding in the limited-liability company of
2 all underwriters, and their remuneration as compensation for
3 services, in the form of salary, wages, fees or otherwise.

4 6. Remuneration to persons other than directors and managers
5 exceeding \$30,000 per annum.

6 7. Bonus and profit-sharing arrangements.

7 8. Management and service contracts.

8 9. Options existing, or to be created.

9 10. Balance sheets for at least the 3 preceding fiscal years, or,
10 if the limited-liability company has not been in existence for 3
11 years, balance sheets from the time of its formation. All balance
12 sheets must be certified by independent public accountants certified
13 or registered in this state.

14 11. Profit and loss statements for at least the 3 preceding fiscal
15 years, or, if the limited-liability company has not been in existence
16 for 3 years, profit and loss statements from the time of its formation.
17 All profit and loss statements must be certified by independent
18 public accountants certified or registered in this state.

19 12. Any further financial data which the Board may deem
20 necessary or appropriate for the protection of the State of Nevada ,
21 or licensed gambling, or both.

22 **Sec. 28.** NRS 463A.030 is hereby amended to read as follows:

23 463A.030 1. Not later than the date on which a labor
24 organization which represents or seeks to represent gaming casino
25 employees in this state begins an organizational activity directed at a
26 gaming casino employee, the labor organization shall file with the
27 Board a list of its personnel who:

28 (a) Adjust or seek to adjust grievances for, negotiate or
29 administer the wages, hours, working conditions or conditions of
30 employment of any gaming casino employee;

31 (b) Solicit, collect or receive , or seek to solicit, collect or
32 receive any dues, assessments, levies, fines, contributions or other
33 charges within this state for or on behalf of the organization from
34 gaming casino employees; or

35 (c) Act as officers, members of the governing body, business
36 agents or in any other policymaking or supervisory position in the
37 organization.

38 2. Each person listed shall file with the Board :

39 (a) *A complete set of* his fingerprints ~~[and complete]~~ *which the*
40 *Board may forward to the Central Repository for Nevada Records*
41 *of Criminal History for submission to the Federal Bureau of*
42 *Investigation for its report;*

43 (b) *Complete* information in writing concerning his labor
44 organization activities, prior performance of the same or similar



1 functions, previous employment or occupational history ~~[, and~~
2 ~~criminal]; and~~
3 (c) *His criminal* record if any, covering at least a 10-year period
4 unless the Board determines that a shorter period is appropriate.
5 3. The Commission shall by regulation prescribe the frequency
6 or circumstances or both with or under which the list must be
7 revised.
8 4. The Commission may by regulation prescribe:
9 (a) Any further information to be required concerning each
10 person listed or each person performing a particular function.
11 (b) The addition of other personnel to the list whose duties
12 significantly affect the conduct of a gaming operation.
13 5. In adopting regulations pursuant to this section, the
14 Commission shall proceed in the manner prescribed in chapter 463
15 of NRS.
16 6. For the purposes of this section, "organizational activity"
17 means:
18 (a) Soliciting membership by direct personal contact;
19 (b) Distributing cards regarding interests or representation; or
20 (c) Distributing or posting a flyer, poster or advertisement.
21 **Sec. 29.** NRS 467.030 is hereby amended to read as follows:
22 467.030 1. The members of the Commission shall elect one
23 of their number as Chairman of the Commission.
24 2. The Commission may purchase and use a seal.
25 3. The Commission may adopt regulations for the
26 administration of this chapter. The regulations must include:
27 (a) Number and qualifications of ring officials required at any
28 exhibition or contest.
29 (b) ~~[Requirements that fingerprints be obtained and criminal~~
30 ~~records be investigated for]~~ *Procedures for obtaining fingerprints*
31 *pursuant to NRS 467.100 to investigate the criminal history of* all
32 ring officials and employees of the Commission ~~[]~~ *and any other*
33 *applicant the Commission wishes to investigate.*
34 (c) Powers, duties and compensation of ring officials.
35 (d) Qualifications of licensees.
36 4. The Commission shall prepare all forms of contracts
37 between sponsors, licensees, promoters and contestants.
38 **Sec. 30.** NRS 467.100 is hereby amended to read as follows:
39 467.100 1. All contestants, promoters, managers, seconds,
40 trainers and ring officials must be licensed by the Commission. No
41 person may participate, directly or indirectly, in any professional
42 contest or exhibition of unarmed combat unless he has first procured
43 a license from the Commission.



1 2. The Commission may deny an application for a license or
2 grant a limited, restricted or conditional license for any cause
3 deemed sufficient by the Commission.

4 3. An application for a license constitutes a request for a
5 determination of the applicant's general suitability, character,
6 integrity, and ability to participate or engage in, or be associated
7 with contests or exhibitions of unarmed combat. The burden of
8 proof is on the applicant to establish to the satisfaction of the
9 Commission that the applicant is qualified to receive a license. By
10 filing an application with the Commission, an applicant accepts the
11 risk of adverse public notice, embarrassment, criticism, financial
12 loss or other action with respect to his application, and expressly
13 waives any claim for damages as a result thereof. Any written or
14 oral statement that is made by any member of the Commission or
15 any witness testifying under oath which is relevant to the application
16 and investigation of the applicant is absolutely privileged and does
17 not impose liability for defamation or constitute a ground for
18 recovery in a civil action.

19 4. *The Commission shall require:*

20 (a) *Each ring official and employee of the Commission; and*
21 (b) *Any other applicant the Commission wishes to*
22 *investigate,*
23 *to submit to the Commission with the application a complete set of*
24 *his fingerprints which the Commission may forward to the Central*
25 *Repository for Nevada Records of Criminal History for submission*
26 *to the Federal Bureau of Investigation for its report.*

27 5. After an application has been submitted to the Commission,
28 the application may not be withdrawn unless the Commission
29 consents to the withdrawal.

30 ~~5.1~~ 6. The Commission shall fix a uniform scale of license
31 fees.

32 ~~6.1~~ 7. In addition to the license fees required by subsection
33 ~~5.1~~ 6, the Commission may require an applicant for a license to:

34 (a) Pay the costs of the proceedings associated with the issuance
35 of the license, including, without limitation, investigative costs and
36 attorney's fees; and

37 (b) Deposit with the Commission such an amount of money as
38 the Commission deems necessary to pay for those costs. If any
39 amount required to be deposited pursuant to this paragraph exceeds
40 the actual cost of the proceedings, including, without limitation,
41 investigative costs and attorney's fees, the Commission shall refund
42 the excess amount to the applicant upon the completion of the
43 proceedings.



1 ~~7~~ 8. It is a violation of this chapter for any person to
2 participate, directly or indirectly, as stated in subsection 1, unless he
3 has been granted a license therefor.

4 **Sec. 31.** NRS 489.321 is hereby amended to read as follows:
5 489.321 1. An application for a manufacturer's, dealer's,
6 rebuilder's, serviceman's or installer's license must be filed upon
7 forms supplied by the Division and include the social security
8 number of the applicant. The applicant must furnish:

9 (a) Any proof the Division may deem necessary that the
10 applicant is a manufacturer, dealer, rebuilder, serviceman or
11 installer.

12 (b) Any proof the Division may require that the applicant has an
13 established place of business.

14 (c) Any proof the Division may require of the applicant's good
15 character and reputation and of his fitness to engage in the activities
16 for which the license is sought.

17 (d) A complete set of his fingerprints and written permission
18 authorizing the Administrator to forward those fingerprints *to the*
19 *Central Repository for Nevada Records of Criminal History for*
20 *submission* to the Federal Bureau of Investigation for its report. The
21 Administrator may exchange with *the Central Repository and*
22 the Federal Bureau of Investigation any information relating to the
23 fingerprints of an applicant under this section.

24 (e) In the case of a dealer in new manufactured homes, an
25 instrument in the form prescribed by the Division executed by or on
26 behalf of the manufacturer certifying that the applicant is an
27 authorized franchise dealer for the make or makes concerned.

28 (f) A reasonable fee fixed by regulation.

29 (g) In the case of a dealer, rebuilder, serviceman or installer,
30 proof of passing the examination required under NRS 489.351.

31 (h) Any additional requirements the Division may from time to
32 time prescribe by regulation.

33 2. Within 60 days after the receipt of a complete application,
34 the Division shall issue or deny the license.

35 3. The Administrator may issue a provisional license pending
36 receipt of the report from the Federal Bureau of Investigation. Upon
37 receipt of the report and a determination by the Administrator that
38 the applicant is qualified, the Division shall issue to the applicant a
39 dealer's, manufacturer's, installer's, rebuilder's or serviceman's
40 license containing the applicant's name and the address of his fixed
41 place of business.

42 4. Each license is valid for a period of 2 years from the date of
43 issuance and may be renewed for like consecutive periods upon
44 application to and approval by the Division.



1 **Sec. 32.** NRS 489.341 is hereby amended to read as follows:
2 489.341 1. A person shall not act as a salesman in this state
3 or as a responsible managing employee for a person who sells,
4 leases, reconstructs, improves, repairs or installs any manufactured
5 home, mobile home or commercial coach subject to the provisions
6 of this chapter without first having received a license from the
7 Division. Before issuing such a license, the Division shall require:
8 (a) An application, signed and verified by the applicant, stating
9 that he desires to act as a salesman or responsible managing
10 employee and providing his residential address, his social security
11 number and the name and address of his employer.
12 (b) Proof of the employment of the applicant at the time the
13 application is filed. An applicant for a license as a responsible
14 managing employee shall submit proof of 2 years' experience within
15 the previous 4 years in the business in which the applicant is seeking
16 to be licensed as a responsible managing employee.
17 (c) Proof of the applicant's good character and reputation and of
18 his fitness to act as a salesman or responsible managing employee.
19 (d) A complete set of his fingerprints and written permission
20 authorizing the Administrator to forward those fingerprints *to the*
21 *Central Repository for Nevada Records of Criminal History for*
22 *submission* to the Federal Bureau of Investigation for its report. The
23 Administrator may exchange with *the Central Repository and*
24 the Federal Bureau of Investigation any information relating to the
25 fingerprints of an applicant.
26 (e) A statement as to whether any previous application of the
27 applicant has been denied or license revoked.
28 (f) Payment of a reasonable license fee established by
29 regulation.
30 (g) The applicant to have passed the examination required by
31 NRS 489.351.
32 (h) Any other information the Division deems necessary.
33 2. Within 60 days after the receipt of a complete application,
34 the Division shall issue or deny the license.
35 3. The Administrator may issue a provisional license pending
36 receipt of the report from the Federal Bureau of Investigation. Upon
37 receipt of the report and a determination by the Administrator that
38 the applicant is qualified, the Administrator shall issue to the
39 applicant a license as a salesman or a responsible managing
40 employee. The license must contain the licensee's name and the
41 address of his employer's place of business.
42 4. Each license is valid for 2 years from the date of issuance
43 and may be renewed for like consecutive periods upon application
44 to and approval by the Division.



1 5. A person licensed pursuant to this section shall not engage in
2 sales activity other than for the account of, or for and in behalf of, a
3 single employer who is a licensed dealer, rebuilder, serviceman or
4 installer.

5 6. A license issued pursuant to this section may be transferred
6 to another licensed employer upon application and the payment of a
7 transfer fee of \$10. When a salesman or responsible managing
8 employee holding a current license leaves the employment of one
9 dealer, rebuilder, serviceman or installer for that of another, the new
10 employer may employ the salesman or responsible managing
11 employee pending the transfer of the license if the transfer is
12 completed within 10 days.

13 7. A license issued pursuant to this section must be posted in a
14 conspicuous place on the premises of the employer for whom the
15 holder of the license is licensed.

16 8. If a salesman or responsible managing employee ceases to
17 be employed by a licensed dealer, rebuilder, serviceman ~~[-]~~ or
18 installer, his license to act as a salesman or responsible managing
19 employee is automatically suspended and his right to act in that
20 capacity immediately ceases, and he shall not engage in such an
21 activity until reemployed by a licensed dealer, rebuilder, serviceman
22 or installer. Every licensed salesman and responsible managing
23 employee shall report in writing to the Division every change in his
24 place of employment ~~[-]~~ or termination of employment within 5 days
25 after the date of making the change.

26 **Sec. 33.** NRS 574.040 is hereby amended to read as follows:

27 574.040 1. Except as otherwise provided in this subsection
28 and NRS 574.350, a member, agent or local or district officer of a
29 society so incorporating, if authorized in writing by the trustees of
30 the society, approved by the district judge of the county, and sworn
31 in the same manner as peace officers are sworn, may make arrests
32 for a violation of the provisions of this chapter in the same manner
33 as is provided for other officers. The provisions of this subsection
34 apply only to a society that, on the date the society submits an
35 application to the district judge for approval for a member, agent or
36 local or district officer of the society to make arrests pursuant to this
37 subsection:

38 (a) Has at least 25 members; and

39 (b) Has been incorporated in accordance with NRS 574.010 for
40 not less than 5 years immediately preceding the submission of the
41 application.

42 2. Before submitting an application specified in subsection 1,
43 the society shall ~~submit to the sheriff of the county a complete set~~
44 ~~of the fingerprints of the~~ *require that each* member, agent or local
45 or district officer of the society to whom the application relates ~~[-]~~



1 *submit to the society a complete set of his fingerprints which the*
2 *society shall submit to the sheriff of the county.*

3 **3. The sheriff shall:**

4 (a) Upon receipt of the fingerprints, ~~[the sheriff shall]~~ forward
5 the fingerprints to the Central Repository for Nevada Records of
6 Criminal History for submission to the Federal Bureau of
7 Investigation for a report concerning the criminal history of the
8 member, agent or local or district officer of the society.

9 (b) Upon receipt of the report, ~~[the sheriff shall]~~ forward the
10 report to the society. The society shall include the report in the
11 application submitted pursuant to subsection 1.

12 ~~[3.]~~ 4. A member, agent or local or district officer who is
13 authorized to make arrests pursuant to subsection 1 shall, when
14 making those arrests, exhibit and expose a suitable badge, to be
15 adopted by the society.

16 ~~[4.]~~ 5. A person who resists such a specially appointed officer
17 shall be punished for that resistance in the same manner as is
18 provided for the punishment of resistance to other officers.

19 **Sec. 34.** NRS 599B.115 is hereby amended to read as follows:

20 599B.115 1. Except as otherwise provided in subsection 5,
21 each applicant for registration as a seller must obtain a work card
22 issued pursuant to subsection 3 by the sheriff of the county in which
23 the business of the applicant is located.

24 2. Except as otherwise provided in subsection 5, each principal
25 officer, director, trustee, shareholder, owner, partner and employee
26 of a seller, and each salesman associated with a seller who is not an
27 employee of the seller, must obtain a work card issued pursuant to
28 subsection 3 by the sheriff of the county in which the business of the
29 seller is located that authorizes his association with the seller.

30 3. The sheriff of a county shall issue a work card to each
31 person who is required by this section to obtain a work card and
32 who complies with the requirements established by the sheriff for
33 the issuance of such a card. A work card issued pursuant to this
34 section must be renewed each year.

35 4. If the sheriff of a county requires an applicant for a work
36 card to *be investigated, the applicant must* submit ~~[a set of his~~
37 ~~fingerprints]~~ with his application ~~[.]~~ *a complete set of his*
38 *fingerprints which* the sheriff may ~~[submit the fingerprints]~~ *forward*
39 *to the Central Repository for Nevada Records of Criminal History*
40 ~~[and]~~ *for submission* to the Federal Bureau of Investigation to
41 determine the criminal history of the applicant.

42 5. A person who is licensed or registered pursuant to chapter
43 119A or 645 of NRS is not required to obtain a work card pursuant
44 to this section.



1 **Sec. 35.** NRS 616B.374 is hereby amended to read as follows:
2 616B.374 1. Except as otherwise provided in this section, a
3 person shall not advertise or offer for sale in this state any policies
4 or memberships or solicit or receive any money, subscriptions,
5 applications, premiums, assessments, memberships or any other fee
6 or charge in connection with a proposed association of self-insured
7 public or private employers unless he has obtained a solicitor's
8 permit from the Commissioner.
9 2. To obtain a solicitor's permit, a person must file a written
10 application with the Commissioner. The application must include:
11 (a) The name, type and purposes of the association formed or
12 proposed to be formed or financed;
13 (b) ~~{The name, residential address, business, professional or~~
14 ~~employment experience for the preceding 10 years and~~
15 ~~qualifications of}~~ *On forms furnished by the Commissioner, for*
16 each person associated or to be associated as director, promoter,
17 manager, member of the board or in other similar capacity in the
18 association, or in the formation of the proposed association or in the
19 proposed financing ~~[, together with the fingerprints of each person~~
20 ~~so associated or to be associated, on forms furnished by the~~
21 ~~Commissioner.}] :~~
22 (1) *His name, residential address and qualifications;*
23 (2) *His business, professional or employment experience*
24 *for the preceding 10 years; and*
25 (3) *A complete set of his fingerprints which the*
26 *Commissioner may forward to the Central Repository for Nevada*
27 *Records of Criminal History for submission to the Federal Bureau*
28 *of Investigation for its report;*
29 (c) A full disclosure of the terms of all pertinent understandings
30 and agreements existing or proposed among any persons or entities
31 so associated or to be associated, and a copy of each such
32 agreement;
33 (d) A copy of the articles of incorporation and bylaws of a
34 solicitor, if incorporated;
35 (e) The plan according to which solicitations are to be made and
36 a reasonably detailed estimate of all administrative and sales
37 expenses to be incurred;
38 (f) A copy of any certificate proposed to be offered, and a copy
39 of any proposed application therefor;
40 (g) A copy of any prospectus, offering circular, advertising or
41 sales literature or materials proposed to be used;
42 (h) Proof of an escrow account and agreement for the deposit of
43 all funds collected during the formation of the association; and
44 (i) Such additional pertinent information as the Commissioner
45 may reasonably require.



1 3. The application must be accompanied by a fee of \$500 for
2 the filing of the application and for the issuance of the permit, if
3 granted. A solicitor must submit this fee each year thereafter if he
4 continues to recruit new members for an association.

5 4. A person who violates subsection 1 is guilty of a category D
6 felony and shall be punished as provided in NRS 193.130.

7 5. The provisions of this section do not apply to:

8 (a) A bona fide trade association that has been in existence for at
9 least 5 years and solicits members of its trade association; or

10 (b) A person who is employed by:

11 (1) Current members of an association; or

12 (2) Employers that are considering membership in an
13 association,

14 whose primary duties do not include solicitation of potential
15 members of the association.

16 **Sec. 36.** NRS 631.220 is hereby amended to read as follows:

17 631.220 1. Every applicant for a license to practice dental
18 hygiene or dentistry, or any of its special branches, shall:

19 (a) File an application with the Board 45 days before the date on
20 which the examination is to be given.

21 (b) Accompany the application with a recent photograph of
22 himself together with the required examination fee and such other
23 documentation as the Board may require by regulation.

24 (c) Submit with the application a complete set of fingerprints
25 and written permission authorizing the Board to forward the
26 fingerprints *to the Central Repository for Nevada Records of*
27 *Criminal History for submission* to the Federal Bureau of
28 Investigation for its report.

29 2. An application must include the social security number of
30 the applicant.

31 **Sec. 37.** Chapter 634 of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 *Each applicant for a license to practice chiropractic or to*
34 *practice as a chiropractor's assistant must submit to the Board a*
35 *complete set of his fingerprints which the Board may forward to*
36 *the Central Repository for Nevada Records of Criminal History*
37 *for submission to the Federal Bureau of Investigation for its*
38 *report.*

39 **Sec. 38.** NRS 634A.110 is hereby amended to read as follows:

40 634A.110 1. An applicant for examination for a license to
41 practice Oriental medicine, or any branch thereof, shall:

42 (a) Submit an application to the Board on forms provided by the
43 Board;

44 (b) Submit satisfactory evidence that he is 21 years or older and
45 meets the appropriate educational requirements;



- 1 (c) *Submit with the application a complete set of his*
2 *fingerprints which the Board may forward to the Central*
3 *Repository for Nevada Records of Criminal History for submission*
4 *to the Federal Bureau of Investigation for its report;*
5 (d) Pay a fee established by the Board of not more than \$1,000;
6 and
7 ~~[(d)]~~ (e) Pay any fees required by the Board for an investigation
8 of the applicant or for the services of a translator, if the translator is
9 required to enable the applicant to take the examination.
10 2. An application submitted to the Board pursuant to
11 subsection 1 must include the social security number of the
12 applicant.
13 **Sec. 39.** NRS 640.090 is hereby amended to read as follows:
14 640.090 Unless he is entitled to licensure under NRS 640.120
15 or 640.140, a person who desires to be licensed as a physical
16 therapist must:
17 1. Apply to the Board, in writing, on a form furnished by the
18 Board;
19 2. Include in the application his social security number and
20 evidence, under oath, satisfactory to the Board, that he possesses the
21 qualifications required by NRS 640.080 other than having passed
22 the examination;
23 3. Pay to the Board at the time of filing his application a fee set
24 by a regulation of the Board in an amount not to exceed \$300;
25 4. Submit ~~[his fingerprints]~~ to the Board with his application ~~;~~
26 ~~and~~ *a complete set of his fingerprints which the Board may*
27 *forward to the Central Repository for Nevada Records of Criminal*
28 *History for submission to the Federal Bureau of Investigation for*
29 *its report; and*
30 5. Submit other documentation and proof the Board may
31 require.
32 **Sec. 40.** NRS 640.250 is hereby amended to read as follows:
33 640.250 Unless he is entitled to a license under NRS 640.270,
34 a person who desires to be licensed as a physical therapist's assistant
35 must:
36 1. Apply to the Board, in writing, on a form furnished by the
37 Board. The application for licensure as a physical therapist's
38 assistant must also be signed by the supervising physical therapist of
39 the applicant.
40 2. Include in the application his social security number and
41 evidence, under oath, satisfactory to the Board, that he possesses the
42 qualifications required by NRS 640.230 other than having passed
43 the examination.
44 3. Pay to the Board at the time of filing his application a fee set
45 by a regulation of the Board in an amount not to exceed \$200.



1 4. Submit ~~his fingerprints~~ to the Board with his application ~~[.]~~
2 *a complete set of his fingerprints which the Board may forward to*
3 *the Central Repository for Nevada Records of Criminal History*
4 *for submission to the Federal Bureau of Investigation for its*
5 *report.*

6 5. Submit such documentation and proof as the Board may
7 require.

8 6. Pay the fee for examination of the applicant as the Board
9 may establish.

10 **Sec. 41.** Chapter 641B of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *Each applicant for a license must submit to the Board a*
13 *complete set of his fingerprints which the Board may forward to*
14 *the Central Repository for Nevada Records of Criminal History*
15 *for submission to the Federal Bureau of Investigation for its*
16 *report.*

17 **Sec. 42.** NRS 641C.260 is hereby amended to read as follows:

18 641C.260 Each applicant for a license or certificate must
19 submit to the Board:

20 1. An application on a form provided by the Board; ~~and~~

21 2. *A complete set of his fingerprints which the Board may*
22 *forward to the Central Repository for Nevada Records of Criminal*
23 *History for submission to the Federal Bureau of Investigation for*
24 *its report; and*

25 3. The application fee prescribed in NRS 641C.470.

26 **Sec. 43.** NRS 645.355 is hereby amended to read as follows:

27 645.355 1. An applicant for a license as a broker, broker-
28 salesman or salesman in this state must, as part of his application, be
29 fingerprinted. Each applicant ~~shall~~ *must*, at his own expense, and
30 on a card provided by the Division, arrange to be fingerprinted by
31 any police or sheriff's office and ~~shall~~ *must* attach his fingerprint
32 card, after his fingerprints are taken, to his application.

33 2. The Division may ~~mail~~ *forward* the applicant's fingerprint
34 card to :

35 (a) *The Central Repository for Nevada Records of Criminal*
36 *History for submission to* the Federal Bureau of Investigation ~~[~~
37 ~~Washington, D.C.]~~ for its report ~~[, and to such] ; and~~

38 (b) *Such* other law enforcement agencies as the Division may
39 deem necessary.

40 **Sec. 44.** NRS 645.6065 is hereby amended to read as follows:

41 645.6065 1. Except as otherwise provided in NRS 645.607, a
42 person shall not act as a qualified intermediary unless he is
43 registered as such with the Division. The Division may adopt such
44 regulations as it deems necessary to carry out the provisions of NRS
45 645.606 to 645.609, inclusive.



* A B 1 5 5 R 3 *

1 2. A person may apply for registration by paying to the
2 Division a \$100 fee plus the actual cost of a background
3 investigation conducted by the Federal Bureau of Investigation and
4 filing with the Division:

5 (a) The following information on a form provided by the
6 Division:

7 (1) The applicant's name, address and telephone number;
8 (2) The name under which the applicant will hold the money
9 or other property of a client;

10 (3) The names, residence and business addresses of all
11 persons having an interest in the business as principals, partners,
12 officers, trustees or directors, specifying the capacity and title of
13 each;

14 (4) If the applicant is a natural person, the social security
15 number of the applicant; and

16 (5) The length of time the applicant has been engaged in the
17 business of acting as such an intermediary;

18 (b) If the person is a natural person, the statement required
19 pursuant to NRS 645.6068; and

20 (c) A card provided by the Division upon which *a complete set*
21 *of* the applicant's fingerprints, taken by an agency of law
22 enforcement, are displayed.

23 3. The Division shall:

24 (a) ~~Mail~~ *Forward* the card upon which the applicant's
25 fingerprints are displayed to the *Central Repository for submission*
26 *to the* Federal Bureau of Investigation; and

27 (b) Request from the *Central Repository and the Federal*
28 *Bureau of Investigation* such information regarding the applicant's
29 criminal history as the Division deems necessary.

30 4. Registration pursuant to this section must be renewed each
31 year on or before the date of the original registration by providing
32 the information required by the Division for that purpose and paying
33 a renewal fee of \$75.

34 **Sec. 45.** NRS 645B.450 is hereby amended to read as follows:

35 645B.450 1. A person shall not act as or provide any of the
36 services of a mortgage agent or otherwise engage in, carry on or
37 hold himself out as engaging in or carrying on the activities of a
38 mortgage agent if the person:

39 (a) Has been convicted of, or entered a plea of nolo contendere
40 to, a felony or any crime involving fraud, misrepresentation or
41 moral turpitude; or

42 (b) Has had a financial services license or registration suspended
43 or revoked within the immediately preceding 10 years.

44 2. A mortgage agent may not be associated with or employed
45 by more than one mortgage broker at the same time.



1 3. A mortgage broker shall register with the Division each
2 person who will be associated with or employed by the mortgage
3 broker as a mortgage agent. A mortgage broker shall register each
4 such person with the Division when the person begins his
5 association or employment with the mortgage broker and annually
6 thereafter. A registration expires 12 months after its effective date.

7 4. To register a person as a mortgage agent, a mortgage broker
8 must:

9 (a) Submit to the Division a registration form which is provided
10 by the Division and which:

11 (1) States the name, residence address and business address
12 of the person;

13 (2) Is signed by the person;

14 (3) Includes a provision by which the person gives his
15 written consent to an investigation of his credit history, criminal
16 history and background; ~~and~~

17 (4) *Includes a complete set of his fingerprints which the*
18 *Division may forward to the Central Repository for Nevada*
19 *Records of Criminal History for submission to the Federal Bureau*
20 *of Investigation for its report; and*

21 (5) Includes any other information or supporting materials
22 required by the regulations adopted by the Commissioner. Such
23 information or supporting materials may include, without limitation,
24 ~~a complete set of fingerprints from the person,~~ the social security
25 number of the person and other forms of identification of the person.

26 (b) For each initial registration, pay the actual costs and
27 expenses incurred by the Division to investigate the credit history,
28 criminal history and background of the person. All money received
29 pursuant to this paragraph must be placed in the Investigative
30 Account created by NRS 232.545.

31 (c) For each annual registration, submit to the Division
32 satisfactory proof that the person attended at least 5 hours of
33 certified courses of continuing education during the 12 months
34 immediately preceding the date on which the registration expires.

35 5. Not later than the date on which the mortgage broker
36 submits the information for annual registration required by
37 subsection 4, the person being registered shall pay an annual
38 registration fee of \$125. If the person does not pay the annual
39 registration fee, the person shall be deemed to be unregistered for
40 the purposes of this chapter.

41 6. A mortgage broker shall not employ a person as a mortgage
42 agent or authorize a person to be associated with the mortgage
43 broker as a mortgage agent if the mortgage broker has not registered
44 the person with the Division pursuant to this section or if the person:



1 (a) Has been convicted of, or entered a plea of nolo contendere
2 to, a felony or any crime involving fraud, misrepresentation or
3 moral turpitude; or

4 (b) Has had a financial services license or registration suspended
5 or revoked within the immediately preceding 10 years.

6 7. If a mortgage agent terminates his association or
7 employment with a mortgage broker for any reason, the mortgage
8 broker shall, not later than the third business day following the date
9 of termination:

10 (a) Deliver to the mortgage agent or send by certified mail to the
11 last known residence address of the mortgage agent a written
12 statement which advises him that his termination is being reported
13 to the Division; and

14 (b) Deliver or send by certified mail to the Division:

15 (1) A written statement of the circumstances surrounding the
16 termination; and

17 (2) A copy of the written statement that the mortgage broker
18 delivers or mails to the mortgage agent pursuant to paragraph (a).

19 8. As used in this section, "certified course of continuing
20 education" has the meaning ascribed to it in NRS 645B.051.

21 **Sec. 46.** NRS 645C.300 is hereby amended to read as follows:

22 645C.300 1. Every application for a certificate, license or
23 registration card must include the social security number of the
24 applicant and be accompanied by the fee for the certificate, license
25 or registration card.

26 2. Each applicant must:

27 (a) At his own expense and on a card provided by the Division,
28 arrange to be fingerprinted by an agency of law enforcement; and

29 (b) Attach the completed card to his application.

30 3. The Division may:

31 (a) ~~Mail~~ *Forward* the *completed* card to :

32 (1) *The Central Repository for Nevada Records of Criminal*
33 *History for submission to* the Federal Bureau of Investigation ~~for~~
34 ~~any~~ *for its report; and*

35 (2) *Any* other agency of law enforcement; and

36 (b) Request from such an agency any information regarding the
37 applicant's criminal history as the Division deems necessary.

38 **Sec. 47.** NRS 645D.180 is hereby amended to read as follows:

39 645D.180 1. Every application for a certificate must be
40 accompanied by the fee for the certificate.

41 2. Each applicant must:

42 (a) At his own expense and on a card provided by the Division,
43 arrange to be fingerprinted by an agency of law enforcement; and

44 (b) Attach the completed card to his application.

45 3. The Division may:



- 1 (a) Require more than one set of fingerprints;
- 2 (b) ~~Mail a~~ *Forward the* completed card to :
 - 3 (1) *The Central Repository for Nevada Records of Criminal*
 - 4 *History for submission to* the Federal Bureau of Investigation ~~for~~
 - 5 ~~any~~ *for its report; and*
 - 6 (2) *Any* other agency of law enforcement; and
- 7 (c) Request from such an agency any information regarding the
- 8 applicant's criminal history that the Division deems necessary.

9 **Sec. 48.** NRS 648.080 is hereby amended to read as follows:

10 648.080 Every application for a license must contain:

- 11 1. A detailed statement of the applicant's personal history on
- 12 the form specified by the Board. If the applicant is a corporation, the
- 13 application must include such a statement concerning each officer
- 14 and director.
- 15 2. A statement of the applicant's financial condition on the
- 16 form specified by the Board. If the applicant is a corporation, the
- 17 application must include such a statement concerning each officer
- 18 and director.
- 19 3. A specific description of the location of the principal place
- 20 of business of the applicant, the business in which he intends to
- 21 engage and the category of license he desires.
- 22 4. A ~~full~~ *complete* set of fingerprints ~~and a~~ *which the Board*
- 23 *may forward to the Central Repository for Nevada Records of*
- 24 *Criminal History for submission to the Federal Bureau of*
- 25 *Investigation for its report.*
- 26 5. A recent photograph of the applicant or, if the applicant is a
- 27 corporation, of each officer and director.
- 28 ~~5.~~ 6. Evidence supporting the qualifications of the applicant
- 29 in meeting the requirements for the license for which he is applying.
- 30 ~~6.~~ 7. If the applicant is not a natural person, the full name
- 31 and residence address of each of its partners, officers, directors and
- 32 manager, and a certificate of filing of a fictitious name.
- 33 ~~7.~~ 8. Such other facts as may be required by the Board to
- 34 show the good character, competency and integrity of each
- 35 signatory.

36 **Sec. 49.** NRS 648.203 is hereby amended to read as follows:

- 37 648.203 1. Except as otherwise provided in subsection 2, it is
- 38 unlawful for a person to:
 - 39 (a) Allow an employee, including an independent contractor, to
 - 40 perform any work regulated pursuant to the provisions of this
 - 41 chapter unless the employee holds a work card authorizing his work
 - 42 which is issued by the sheriff of the county in which the work is
 - 43 performed. The provisions of this paragraph do not apply to a
 - 44 person licensed pursuant to this chapter.



1 (b) Work as a security guard unless he holds a work card
2 authorizing his work as a security guard issued in accordance with
3 applicable ordinances by the sheriff of the county in which the work
4 is performed.

5 2. The provisions of subsection 1 do not apply in any county
6 whose population is less than 100,000, but this subsection does not
7 prohibit a board of county commissioners from adopting similar
8 restrictions by ordinance.

9 3. The sheriff of any county in which such restrictions apply
10 shall ~~submit the fingerprints of~~ *require* any person applying for
11 such a work card to *submit a complete set of his fingerprints to the*
12 *sheriff who may forward the fingerprints to* the Central Repository
13 for Nevada Records of Criminal History ~~and~~ *for submission* to the
14 Federal Bureau of Investigation to determine the applicant's
15 criminal history.

16 **Sec. 50.** NRS 649.196 is hereby amended to read as follows:

17 649.196 1. Each applicant for a manager's certificate must
18 submit proof satisfactory to the Commissioner that he:

19 (a) Is a citizen of the United States or lawfully entitled to remain
20 and work in the United States.

21 (b) Is at least 21 years of age.

22 (c) Has a good reputation for honesty, trustworthiness, integrity
23 and is competent to transact the business of a collection agency in a
24 manner which protects the interests of the general public.

25 (d) Has not committed any of the acts specified in NRS 649.215.

26 (e) Has not had a collection agency license or manager's
27 certificate suspended or revoked within the 10 years immediately
28 preceding the date of filing the application.

29 (f) Has not been convicted of, or entered a plea of nolo
30 contendere to, a felony or any crime involving fraud,
31 misrepresentation or moral turpitude.

32 (g) Has had not less than 2 years' full-time experience with a
33 collection agency in the collection of accounts assigned by creditors
34 who were not affiliated with the collection agency except as
35 assignors of accounts. At least 1 year of the 2 years of experience
36 must have been within the 18-month period preceding the date of
37 filing the application.

38 2. Each applicant must:

39 (a) Pass the examination provided for in NRS 649.205.

40 (b) Pay the required fees.

41 (c) Submit ~~three~~ , *in such form as the Commissioner*
42 *prescribes:*

43 (1) *Three* recent photographs ; and ~~three~~

44 (2) *Three complete* sets of *his* fingerprints ~~in such form as~~
45 *which* the Commissioner ~~prescribes~~ *may forward to the Central*



1 *Repository for Nevada Records of Criminal History for submission*
2 *to the Federal Bureau of Investigation for its report.*

3 (d) Submit such other information reasonably related to his
4 qualifications for the manager's certificate as the Commissioner
5 determines to be necessary.

6 3. The Commissioner may refuse to issue a manager's
7 certificate if the applicant does not meet the requirements of
8 subsections 1 and 2.

9 4. If the Commissioner refuses to issue a manager's certificate
10 pursuant to this section, he shall notify the applicant in writing by
11 certified mail stating the reasons for the refusal. The applicant may
12 submit a written request for a hearing within 20 days after he
13 receives the notice. If the applicant fails to submit a written request
14 within the prescribed period, the Commissioner shall enter a final
15 order.

16 **Sec. 51.** NRS 654.150 is hereby amended to read as follows:

17 654.150 Each applicant for licensure as a nursing facility
18 administrator pursuant to this chapter must:

19 1. Be of good moral character and physically and emotionally
20 capable of administering a facility for skilled nursing or facility for
21 intermediate care.

22 2. Have satisfactorily completed a course of instruction and
23 training prescribed or approved by the Board, including the study of:

24 (a) The needs which are to be properly served by a facility for
25 skilled nursing or facility for intermediate care;

26 (b) The laws governing the operation of a facility and the
27 protection of the patients' interests; and

28 (c) The elements of good administration of a facility.

29 In lieu of the specific requirements of this subsection, the applicant
30 may present other evidence satisfactory to the Board of sufficient
31 education, training or experience by which he would be qualified to
32 administer, supervise and manage a facility.

33 3. Pass an examination conducted and prescribed by the Board
34 pursuant to the provisions of this chapter.

35 4. Submit with his application:

36 (a) A complete set of his fingerprints and written permission
37 authorizing the Board to forward the fingerprints *to the Central*
38 *Repository for Nevada Records of Criminal History for submission*
39 *to the Federal Bureau of Investigation for its report;* and

40 (b) A fee to cover the actual cost of obtaining the report from the
41 Federal Bureau of Investigation.

42 5. Submit the statement required pursuant to NRS 654.145.

43 6. Meet such other standards and qualifications as the Board
44 may from time to time establish.



1 **Sec. 52.** NRS 654.155 is hereby amended to read as follows:
2 654.155 Each applicant for licensure as an administrator of a
3 residential facility for groups pursuant to this chapter must:

- 4 1. Be at least 21 years of age;
- 5 2. Be a citizen of the United States or lawfully entitled to
6 remain and work in the United States;
- 7 3. Be of good moral character and physically and emotionally
8 capable of administering a residential facility for groups;
- 9 4. Have satisfactorily completed a course of instruction and
10 training prescribed or approved by the Board or be qualified by
11 reason of his education, training or experience to administer,
12 supervise and manage a residential facility for groups;
- 13 5. Pass an examination conducted and prescribed by the Board;
- 14 6. Submit with his application:
 - 15 (a) A complete set of his fingerprints and written permission
16 authorizing the Board to forward the fingerprints *to the Central*
17 *Repository for Nevada Records of Criminal History for submission*
18 to the Federal Bureau of Investigation for its report; ~~and~~
 - 19 (b) A fee to cover the actual cost of obtaining the report from the
20 Federal Bureau of Investigation; and
 - 21 (c) The statement required pursuant to NRS 654.145; and
- 22 7. Comply with such other standards and qualifications as the
23 Board prescribes.

24 **Sec. 53.** NRS 683A.150 is hereby amended to read as follows:
25 683A.150 Written application for a managing general agent's
26 license must be filed with the Commissioner by the applicant . ~~and~~
27 ~~accompanied by the applicable fee.~~

28 **Sec. 54.** NRS 683A.160 is hereby amended to read as follows:
29 683A.160 ~~Application for a license as a managing general~~
30 ~~agent shall be made in writing by the applicant desiring a license as~~
31 ~~a managing general agent, and filed with the Commissioner. The~~
32 ~~application shall be accompanied by the applicant's fingerprints, by]~~
33 *Each applicant for a license as a managing general agent must*
34 *submit with his application:*

- 35 1. *A complete set of his fingerprints which the Commissioner*
36 *may forward to the Central Repository for Nevada Records of*
37 *Criminal History for submission to the Federal Bureau of*
38 *Investigation for its report;*
- 39 2. *The* appointment of the applicant as a managing general
40 agent by each insurer or underwriter department to be so represented
41 ~~and by the]; and~~
- 42 3. *The application and* license fee specified in NRS 680B.010
43 ~~. [(fee schedule).]~~



1 **Sec. 55.** NRS 689.175 is hereby amended to read as follows:
2 689.175 1. The proposed seller, or the appropriate corporate
3 officer of the proposed seller, shall apply in writing to the
4 Commissioner for a seller's certificate of authority, showing:

- 5 (a) The proposed seller's name and address, and his occupations
6 during the preceding 5 years;
7 (b) The name and address of the proposed trustee;
8 (c) The names and addresses of the proposed performers,
9 specifying what particular services, supplies and equipment each
10 performer is to furnish under the proposed prepaid contract; and
11 (d) Such other pertinent information as the Commissioner may
12 reasonably require.

13 2. The application must be accompanied by:

14 (a) A copy of the proposed trust agreement and a written
15 statement signed by an authorized officer of the proposed trustee to
16 the effect that the proposed trustee understands the nature of the
17 proposed trust fund and accepts it;

18 (b) A copy of each contract or understanding, existing or
19 proposed, between the seller and performers relating to the proposed
20 prepaid contract or items to be supplied under it;

21 (c) A certified copy of the articles of incorporation and the
22 bylaws of any corporate applicant;

23 (d) A copy of any other document relating to the proposed
24 seller, trustee, trust, performer or prepaid contract, as required by
25 the Commissioner;

26 (e) A complete set of his fingerprints and written permission
27 authorizing the Commissioner to forward those fingerprints *to the*
28 *Central Repository for Nevada Records of Criminal History for*
29 *submission* to the Federal Bureau of Investigation for its report;

30 (f) A fee representing the amount charged by the Federal Bureau
31 of Investigation for processing the fingerprints of the applicant; and

32 (g) The applicable fee established in NRS 680B.010, which is
33 not refundable.

34 **Sec. 56.** NRS 689.235 is hereby amended to read as follows:

35 689.235 1. To qualify for an agent's license, the applicant:

36 (a) Must file a written application with the Commissioner on
37 forms prescribed by the Commissioner;

38 (b) Must have a good business and personal reputation; and

39 (c) Must not have been convicted of, or entered a plea of guilty
40 or nolo contendere to, forgery, embezzlement, obtaining money
41 under false pretenses, larceny, extortion, conspiracy to defraud or
42 any crime involving moral turpitude.

43 2. The application must:



1 (a) Contain information concerning the applicant's identity,
2 address, social security number and personal background and
3 business, professional or work history.

4 (b) Contain such other pertinent information as the
5 Commissioner may require.

6 (c) Be accompanied by a complete set of the fingerprints of the
7 applicant and written permission authorizing the Commissioner to
8 forward those fingerprints *to the Central Repository for Nevada*
9 *Records of Criminal History for submission* to the Federal Bureau
10 of Investigation for its report.

11 (d) Be accompanied by a fee representing the amount charged
12 by the Federal Bureau of Investigation for processing the
13 fingerprints of the applicant.

14 (e) Be accompanied by the statement required pursuant to
15 NRS 689.258.

16 (f) Be accompanied by the applicable fee established in NRS
17 680B.010, which is not refundable.

18 3. A conviction of, or plea of guilty or nolo contendere by, an
19 applicant or licensee for any crime listed in paragraph (c) of
20 subsection 1 is a sufficient ground for the Commissioner to deny a
21 license to the applicant, or to suspend or revoke the agent's license
22 pursuant to NRS 689.265.

23 **Sec. 57.** NRS 689.490 is hereby amended to read as follows:

24 689.490 1. The proposed seller, or the appropriate corporate
25 officer of the seller, shall apply in writing to the Commissioner for a
26 seller's permit, showing:

27 (a) The proposed seller's name and address and his occupations
28 during the preceding 5 years;

29 (b) The name and address of the proposed trustee;

30 (c) The names and addresses of the proposed performers,
31 specifying what particular services, supplies and equipment each
32 performer is to furnish under the proposed prepaid contract; and

33 (d) Such other pertinent information as the Commissioner may
34 reasonably require.

35 2. The application must be accompanied by:

36 (a) A copy of the proposed trust agreement and a written
37 statement signed by an authorized officer of the proposed trustee to
38 the effect that the proposed trustee understands the nature of the
39 proposed trust fund and accepts it;

40 (b) A copy of each contract or understanding, existing or
41 proposed, between the seller and performers relating to the proposed
42 prepaid contract or items to be supplied under it;

43 (c) A certified copy of the articles of incorporation and the
44 bylaws of any corporate applicant;



1 (d) A copy of any other document relating to the proposed
2 seller, trustee, trust, performer or prepaid contract, as required by
3 the Commissioner;

4 (e) A complete set of his fingerprints and written permission
5 authorizing the Commissioner to forward those fingerprints *to the*
6 *Central Repository for Nevada Records of Criminal History for*
7 *submission* to the Federal Bureau of Investigation for its report;

8 (f) A fee representing the amount charged by the Federal Bureau
9 of Investigation for processing the fingerprints of the applicant; and

10 (g) The applicable fee established in NRS 680B.010, which is
11 not refundable.

12 **Sec. 58.** NRS 689.520 is hereby amended to read as follows:

13 689.520 1. To qualify for an agent's license, the applicant:

14 (a) Must file a written application with the Commissioner on
15 forms prescribed by the Commissioner; and

16 (b) Must not have been convicted of, or entered a plea of guilty
17 or nolo contendere to, forgery, embezzlement, obtaining money
18 under false pretenses, larceny, extortion, conspiracy to defraud or
19 any crime involving moral turpitude.

20 2. The application must:

21 (a) Contain information concerning the applicant's identity,
22 address, social security number, personal background and business,
23 professional or work history.

24 (b) Contain such other pertinent information as the
25 Commissioner may require.

26 (c) Be accompanied by a complete set of fingerprints and
27 written permission authorizing the Commissioner to forward those
28 fingerprints *to the Central Repository for Nevada Records of*
29 *Criminal History for submission* to the Federal Bureau of
30 Investigation for its report.

31 (d) Be accompanied by a fee representing the amount charged
32 by the Federal Bureau of Investigation for processing the
33 fingerprints of the applicant.

34 (e) Be accompanied by the statement required pursuant to
35 NRS 689.258.

36 (f) Be accompanied by the applicable fee established in NRS
37 680B.010, which is not refundable.

38 3. A conviction of, or plea of guilty or nolo contendere by, an
39 applicant or licensee for any crime listed in paragraph (b) of
40 subsection 1 is a sufficient ground for the Commissioner to deny a
41 license to the applicant, or to suspend or revoke the agent's license
42 pursuant to NRS 689.535.



1 **Sec. 59.** NRS 692B.070 is hereby amended to read as follows:
2 692B.070 1. A written application for any permit required
3 under NRS 692B.040 must be filed with the Commissioner. The
4 application must include or be accompanied by:

5 (a) The name, type and purposes of the insurer, corporation,
6 syndicate, association, firm or organization formed or proposed to
7 be formed or financed;

8 (b) ~~{The name, residence address, business background and~~
9 ~~experience for the preceding 10 years and qualifications of}~~ *On*
10 *forms furnished by the Commissioner, for* each person associated
11 or to be associated as incorporator, director, promoter, manager or in
12 other similar capacity in the enterprise, or in the formation of the
13 proposed insurer, corporation, syndicate, association, firm or
14 organization, or in the proposed financing ~~[- together with the~~
15 ~~fingerprints of each individual so associated or to be associated, on~~
16 ~~forms furnished by the Commissioner.} :~~

17 (1) *His name, residential address and qualifications;*

18 (2) *His business background and experience for the*
19 *preceding 10 years; and*

20 (3) *A complete set of his fingerprints which the*
21 *Commissioner may forward to the Central Repository for Nevada*
22 *Records of Criminal History for submission to the Federal Bureau*
23 *of Investigation for its report;*

24 (c) A full disclosure of the terms of all pertinent understandings
25 and agreements existing or proposed among any persons or entities
26 so associated or to be associated, and a copy of each such
27 agreement;

28 (d) Executed quadruplicate originals of the articles of
29 incorporation of a proposed domestic stock or mutual insurer;

30 (e) The original and one copy of the proposed bylaws of a
31 proposed domestic stock or mutual insurer;

32 (f) The plan according to which solicitations are to be made and
33 a reasonably detailed estimate of all organization and sales expenses
34 to be incurred in the proposed organization and offering;

35 (g) A copy of any security, receipt or certificate proposed to be
36 offered, and a copy of any proposed subscription agreement or
37 application therefor;

38 (h) A copy of any prospectus, offering circular, advertising or
39 sales literature or material proposed to be used;

40 (i) A copy of the proposed form of any escrow agreement
41 required;

42 (j) A copy of:

43 (1) The articles of incorporation of any corporation, other
44 than a proposed domestic insurer, proposing to offer its securities,
45 certified by the public officer having custody of the original thereof;



1 (2) Any syndicate, association, firm, organization or other
2 similar agreement, by whatever name called, if funds for any of the
3 purposes referred to in subsection 1 of NRS 692B.040 are to be
4 secured through the sale of any security, interest or right in or
5 relative to such syndicate, association, firm or organization; and

6 (3) If the insurer is, or is to be, a reciprocal insurer, the
7 power of attorney and of other agreements existing or proposed
8 affecting subscribers, investors, the attorney in fact or the insurer;

9 (k) If the applicant is a natural person, the statement required
10 pursuant to NRS 692B.193; and

11 (l) Such additional pertinent information as the Commissioner
12 may reasonably require.

13 2. The application must be accompanied by a deposit of the
14 fees required under NRS 680B.010 for the filing of the application
15 and for issuance of the permit, if granted.

16 3. If the applicant is a natural person, the application must
17 include the social security number of the applicant.

18 4. In lieu of a special filing thereof of information required by
19 subsection 1, the Commissioner may accept a copy of any pertinent
20 filing made with the Securities and Exchange Commission relative
21 to the same offering.

22 **Sec. 60.** NRS 692B.190 is hereby amended to read as follows:

23 692B.190 1. No person may in this state solicit subscription
24 to or purchase of any security covered by a solicitation permit issued
25 under this chapter, unless then licensed therefor by the
26 Commissioner.

27 2. Such a license may be issued only to natural persons, and the
28 Commissioner shall not license any person found by him to be:

29 (a) Dishonest or untrustworthy;

30 (b) Financially irresponsible;

31 (c) Of unfavorable personal or business history or reputation; or

32 (d) For any other cause, reasonably unsuited for fulfillment of
33 the responsibilities of such a licensee.

34 3. The applicant for such a license must file his written
35 application therefor with the Commissioner, on forms and
36 containing inquiries as designated and required by the
37 Commissioner. The application must include ~~the~~ *or be*
38 *accompanied by:*

39 (a) *The* social security number of the applicant ~~and be~~
40 ~~endorsed~~;

41 (b) *An endorsement* by the holder of the permit under which the
42 securities are proposed to be sold ~~[-The application must be~~
43 ~~accompanied by]~~;

44 (c) *A complete set of* the fingerprints of the applicant on forms
45 furnished by the Commissioner ~~[-and by the]~~; *and*



1 (d) *The* application fee specified in NRS 680B.010.
2 4. The Commissioner ~~shall~~ :
3 (a) *May forward the complete set of fingerprints to the Central*
4 *Repository for Nevada Records of Criminal History for submission*
5 *to the Federal Bureau of Investigation for its report; and*
6 (b) *Shall* promptly cause an investigation to be made of the
7 identity and qualifications of the applicant.
8 ~~4.~~ 5. The license, if issued, must be for the period of the
9 permit, and must automatically be extended if the permit is
10 extended.
11 ~~5.~~ 6. The Commissioner shall revoke the license if at any
12 time after issuance he has found that the license was obtained
13 through misrepresentation or concealment of facts, or that the
14 licensee is no longer qualified therefor, or that the licensee has
15 misrepresented the securities offered, or has otherwise conducted
16 himself in or with respect to transactions under the license in a
17 manner injurious to the permit holder or to subscribers or prospects
18 or the public.
19 ~~6.~~ 7. This section does not apply to securities broker-dealers
20 registered as such under the Securities Exchange Act of 1934, or
21 with respect to securities the sale of which is underwritten, other
22 than on a best efforts basis, by such a broker-dealer.
23 ~~7.~~ 8. With respect to solicitation of subscriptions to or
24 purchase of securities covered by a solicitation permit issued by the
25 Commissioner, the license required by this section is in lieu of a
26 license or permit otherwise required of the solicitor under any other
27 law of this state.
28 **Sec. 61.** NRS 697.180 is hereby amended to read as follows:
29 697.180 1. A written application for a license as a bail agent,
30 general agent, bail enforcement agent or bail solicitor must be filed
31 with the Commissioner by the applicant, accompanied by the
32 applicable fees. The application form must ~~include~~ :
33 (a) *Include* the social security number of the applicant ~~and be~~
34 ;
35 (b) *Be* accompanied by *a complete set of* the applicant's
36 fingerprints ~~and must require~~ *which the Commissioner may*
37 *forward to the Central Repository for Nevada Records of Criminal*
38 *History for submission to the Federal Bureau of Investigation for*
39 *its report; and*
40 (c) *Require* full answers to questions reasonably necessary to
41 determine the applicant's:
42 ~~(a)~~ (1) Identity and residence.
43 ~~(b)~~ (2) Business record or occupations for not less than the 2
44 years immediately preceding the date of the application, with the
45 name and address of each employer, if any.



1 ~~(e)~~ (3) Prior criminal history, if any.
2 2. The Commissioner may require the submission of such other
3 information as may be required to determine the applicant's
4 qualifications for the license for which he applied.
5 3. The applicant must verify his application. An applicant for a
6 license under this chapter shall not knowingly misrepresent or
7 withhold any fact or information called for in the application form
8 or in connection therewith.
9 **Sec. 62.** NRS 706.8841 is hereby amended to read as follows:
10 706.8841 1. The Administrator shall issue a driver's permit
11 to qualified persons who wish to be employed by certificate holders
12 as taxicab drivers. Before issuing a driver's permit, the
13 Administrator shall:
14 (a) Require the applicant to submit a *complete* set of his
15 fingerprints ~~[which must be forwarded]~~ *which the Administrator*
16 *may forward to the Central Repository for Nevada Records of*
17 *Criminal History for submission* to the Federal Bureau of
18 Investigation to ascertain whether the applicant has a criminal
19 record and the nature of any such record, and shall further
20 investigate the applicant's background; and
21 (b) Require proof that the applicant:
22 (1) Has been a resident of the State for 30 days before his
23 application for a permit;
24 (2) Can read and orally communicate in the English
25 language; and
26 (3) Has a valid license issued under NRS 483.325 which
27 authorizes him to drive a taxicab in this state.
28 2. The Administrator may refuse to issue a driver's permit if
29 the applicant has been convicted of:
30 (a) A felony, other than a felony involving any sexual offense,
31 in this state or any other jurisdiction within 5 years before the date
32 of the application;
33 (b) A felony involving any sexual offense in this state or any
34 other jurisdiction at any time before the date of the application; or
35 (c) A violation of NRS 484.379 or 484.3795 or a law of any
36 other jurisdiction that prohibits the same or similar conduct within 3
37 years before the date of the application.
38 3. The Administrator may refuse to issue a driver's permit if
39 the Administrator, after the background investigation of the
40 applicant, determines that the applicant is morally unfit or if the
41 issuance of the driver's permit would be detrimental to public
42 health, welfare or safety.
43 4. A taxicab driver shall pay to the Administrator, in advance,
44 \$20 for an original driver's permit and \$5 for a renewal.
45 **Sec. 63.** NRS 179A.065 and 179B.120 are hereby repealed.



1 **Sec. 64.** This act becomes effective upon passage and
2 approval.

TEXT OF REPEALED SECTIONS

179A.065 “Information relating to sexual offenses” defined. “Information relating to sexual offenses” means information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to a sexual offense.

179B.120 “Sexual offense” defined. “Sexual offense” has the meaning ascribed to it in NRS 179D.410.

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