

(Reprinted with amendments adopted on May 21, 2003)

SECOND REPRINT

A.B. 284

ASSEMBLY BILL NO. 284—ASSEMBLYMEN BUCKLEY, PARKS, GIBBONS, LESLIE, HORNE, ANDERSON, BEERS, BROWN, CARPENTER, CLABORN, COLLINS, CONKLIN, GEDDES, GIUNCHIGLIANI, GOICOECHEA, GOLDWATER, GRIFFIN, HARDY, HETRICK, KOIVISTO, MABEY, MANENDO, MCCLAIN, OCEGUERA, OHRENSCHALL, PERKINS AND SHERER

MARCH 11, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits unfair lending practices for home loans and revises provisions governing sale of real property by trustee. (BDR 52-20)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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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 property; prohibiting certain acts by lenders of home loans as unfair lending practices; providing for enforcement by the Attorney General; prohibiting a trustor from directing a trustee to exercise a power of sale of real property under certain circumstances; prohibiting certain agencies, boards, commissions or political subdivisions from regulating certain acts relating to lending; providing a penalty; and providing other matters properly relating thereto.

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

1     **Section 1.** Title 52 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 to 9, inclusive, of this act.

4     **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5 *requires, the words and terms defined in sections 3 to 6, inclusive,*  
6 *of this act have the meanings ascribed to them in those sections.*



\* A B 2 8 4 R 2 \*

1       **Sec. 3.** *“Borrower” means a natural person who is a*  
2 *mortgagor, grantor of a deed of trust or other debtor of a home*  
3 *loan.*

4       **Sec. 4.** *“Home” means a dwelling or dwellings for not more*  
5 *than four families, the principal use of which is for residential*  
6 *purposes. The term includes, without limitation:*

- 7       1. *A dwelling on a farm.*  
8       2. *A dwelling unit of a cooperative housing corporation.*  
9       3. *A mobile home, as defined in NRS 489.120, with the*  
10 *wheels removed and skirting added, when set on a foundation*  
11 *located on land that the owner of the mobile home owns or*  
12 *occupies pursuant to a tenancy with a term of 40 years or more.*

13       **Sec. 5.** *“Home loan” means a consumer credit transaction*  
14 *that:*

- 15       1. *Is secured by a mortgage loan which involves real property*  
16 *located within this state; and*  
17       2. *Constitutes a mortgage under § 152 of the Home*  
18 *Ownership and Equity Protection Act of 1994, 15 U.S.C. §*  
19 *1602(aa), and the regulations adopted by the Board of Governors*  
20 *of the Federal Reserve System pursuant thereto, including,*  
21 *without limitation, 12 C.F.R. § 226.32.*

22       **Sec. 6.** *“Lender” means a mortgagee, beneficiary of a deed*  
23 *of trust or other creditor who holds a mortgage, deed of trust or*  
24 *other instrument that encumbers home property as security for the*  
25 *repayment of a home loan.*

26       **Sec. 7.** 1. *It is an unfair lending practice for a lender to:*

27       (a) *Require a borrower, as a condition of obtaining or*  
28 *maintaining a home loan secured by home property, to provide*  
29 *property insurance on improvements to home property in an*  
30 *amount that exceeds the reasonable replacement value of the*  
31 *improvements.*

32       (b) *Knowingly or intentionally make a home loan to a*  
33 *borrower based solely upon the equity of the borrower in the home*  
34 *property and without determining that the borrower has the ability*  
35 *to repay the home loan from other assets, including, without*  
36 *limitation, income.*

37       (c) *Finance a prepayment fee or penalty in connection with the*  
38 *refinancing by the original borrower of a home loan owned by the*  
39 *lender or an affiliate of the lender.*

40       (d) *Finance, directly or indirectly in connection with a home*  
41 *loan, any credit insurance.*

42       2. *As used in this section:*

43       (a) *“Credit insurance” has the meaning ascribed to it in*  
44 *NRS 690A.015.*



1 (b) "Prepayment fee or penalty" means any fee or penalty  
2 imposed by a lender if a borrower repays the balance of a loan or  
3 otherwise makes a payment on a loan before the regularly  
4 scheduled time for repayment.

5 **Sec. 8. 1.** A lender who willfully engages in an unfair  
6 lending practice described in this chapter is guilty of a  
7 misdemeanor.

8 2. If a lender willfully engages in any unfair lending practice  
9 described in this chapter in connection with a home loan, the  
10 lender is liable to the borrower in an amount equal to the sum of:

11 (a) Three times the amount of any actual damages sustained  
12 by the borrower; and

13 (b) If the borrower brings an action and is successful in  
14 enforcing the liability imposed by paragraph (a) in the action, the  
15 costs of bringing the action and reasonable attorney's fees as  
16 determined by the court.

17 3. The borrower has a defense against the unpaid obligation  
18 of the home loan to the extent of any amount awarded by a court  
19 pursuant to paragraph (a) of subsection 2, and the court, in  
20 addition to any other legal or equitable remedy, may cure any  
21 existing default of the home loan and cancel any pending  
22 foreclosure sale, trustee's sale or other sale to enforce the home  
23 loan.

24 **Sec. 8.3. 1.** If an action has been filed in a court of  
25 competent jurisdiction claiming an unfair lending practice in  
26 connection with a home loan, the lender who holds the home loan  
27 may sell the home loan and recover damages and costs as provided  
28 in this section if the lender did not:

29 (a) Originate the home loan; and

30 (b) Willfully engage in any unfair lending practice described  
31 in this chapter in connection with the home loan.

32 2. The lender described in subsection 1 may require the  
33 person from whom the lender purchased the home loan described  
34 in subsection 1 to:

35 (a) Repurchase the home loan for the amount the lender paid  
36 for the home loan; and

37 (b) Pay to the lender all damages and reasonable costs  
38 incurred by the lender that are related to:

39 (1) The purchase of the home loan by the lender from the  
40 person;

41 (2) Any damages awarded in the action described in  
42 subsection 1;

43 (3) Any costs related to the action described in  
44 subsection 1;



1           (4) *The repurchase of the home loan by the lender if the*  
2 *lender was required to repurchase the home loan from another*  
3 *lender pursuant to this section; and*

4           (5) *The repurchase of the home loan from the lender by the*  
5 *person pursuant to this section.*

6           3. *The person described in subsection 2:*

7           (a) *Shall repurchase the home loan and pay the damages and*  
8 *costs as described in subsection 2; and*

9           (b) *After repurchasing the home loan, may sell the home loan*  
10 *and recover damages and costs as provided in this section if he is a*  
11 *lender described in subsection 1.*

12           **Sec. 8.7.** *A mortgage, deed of trust or other instrument that*  
13 *encumbers home property as security for repayment of a home*  
14 *loan must expressly indicate in writing in the mortgage, deed of*  
15 *trust or other instrument that the home loan is a home loan as*  
16 *defined in section 5 of this act.*

17           **Sec. 9. 1.** *The Attorney General has primary jurisdiction to*  
18 *investigate and prosecute violations of this chapter.*

19           2. *When acting pursuant to this section, the Attorney General*  
20 *may commence his investigation and file a criminal action without*  
21 *leave of court, and he has exclusive charge of the conduct of the*  
22 *prosecution.*

23           3. *A local government shall not regulate any activity to which*  
24 *the provisions of this chapter apply.*

25           **Sec. 10.** Chapter 107 of NRS is hereby amended by adding  
26 thereto a new section to read as follows:

27           1. *With regard to a transfer in trust of an estate in real*  
28 *property to secure the performance of an obligation or the*  
29 *payment of a debt, the provisions of this section apply to the*  
30 *exercise of a power of sale pursuant to NRS 107.080 only if:*

31           (a) *The trust agreement becomes effective on or after*  
32 *October 1, 2003; and*

33           (b) *On the date the trust agreement is made, the trust*  
34 *agreement is subject to the provisions of § 152 of the Home*  
35 *Ownership and Equity Protection Act of 1994, 15 U.S.C. §*  
36 *1602(aa), and the regulations adopted by the Board of Governors*  
37 *of the Federal Reserve System pursuant thereto, including,*  
38 *without limitation, 12 C.F.R. § 226.32.*

39           2. *The trustee shall not exercise a power of sale pursuant to*  
40 *NRS 107.080 unless:*

41           (a) *In the manner required by subsection 3, not later than 60*  
42 *days before the date of the sale, the trustee causes to be served*  
43 *upon the grantor a notice in the form described in subsection 3;*  
44 *and*



1 (b) If an action is filed in a court of competent jurisdiction  
2 claiming an unfair lending practice in connection with the trust  
3 agreement, the date of the sale is not less than 30 days after the  
4 date the most recent such action is filed.

5 3. The notice described in subsection 2 must be:

6 (a) Served upon the grantor by personal service or, if personal  
7 service cannot be timely effected, in such other manner as a court  
8 determines is reasonably calculated to afford notice to the grantor;  
9 and

10 (b) In substantially the following form, with the applicable  
11 telephone numbers and mailing addresses provided on the notice  
12 and a copy of the promissory note attached to the notice:

13  
14 **NOTICE**  
15 **YOU ARE IN DANGER OF LOSING YOUR HOME!**

16  
17 *Your home loan is being foreclosed. In 60 days your home will be*  
18 *sold and you will be forced to move. For help, call:*

- 19 *Consumer Credit Counseling* \_\_\_\_\_  
20 *The Attorney General* \_\_\_\_\_  
21 *The Division of Financial Institutions* \_\_\_\_\_  
22 *Legal Services* \_\_\_\_\_  
23 *Your Lender* \_\_\_\_\_  
24 *Nevada Fair Housing Center* \_\_\_\_\_

25  
26 4. This section does not prohibit a judicial foreclosure.  
27 5. As used in this section, "unfair lending practice" means an  
28 unfair lending practice described in sections 2 to 9, inclusive, of  
29 this act.

30 **Sec. 11.** NRS 107.080 is hereby amended to read as follows:

31 107.080 1. ~~[Where]~~ *Except as otherwise provided in section*  
32 *10 of this act, if* any transfer in trust of any estate in real property is  
33 made after March 29, 1927, to secure the performance of an  
34 obligation or the payment of any debt, a power of sale is hereby  
35 conferred upon the trustee to be exercised after a breach of the  
36 obligation for which the transfer is security.

37 2. The power of sale must not be exercised, however, until:  
38 (a) In the case of any trust agreement coming into force:

39 (1) On or after July 1, 1949, and before July 1, 1957, the  
40 grantor, or his successor in interest, a beneficiary under a  
41 subordinate deed of trust or any other person who has a subordinate  
42 lien or encumbrance of record on the property, has for a period of 15  
43 days, computed as prescribed in subsection 3, failed to make good  
44 the deficiency in performance or payment; or



1 (2) On or after July 1, 1957, the grantor, or his successor in  
2 interest, a beneficiary under a subordinate deed of trust or any other  
3 person who has a subordinate lien or encumbrance of record on the  
4 property, has for a period of 35 days, computed as prescribed in  
5 subsection 3, failed to make good the deficiency in performance or  
6 payment;

7 (b) The beneficiary, the successor in interest of the beneficiary  
8 or the trustee first executes and causes to be recorded in the office of  
9 the recorder of the county wherein the trust property, or some part  
10 thereof, is situated a notice of the breach and of his election to sell  
11 or cause to be sold the property to satisfy the obligation; and

12 (c) Not less than 3 months have elapsed after the recording of  
13 the notice.

14 3. The 15- or 35-day period provided in paragraph (a) of  
15 subsection 2 commences on the first day following the day upon  
16 which the notice of default and election to sell is recorded in the  
17 office of the county recorder of the county in which the property is  
18 located and a copy of the notice of default and election to sell is  
19 mailed by registered or certified mail, return receipt requested and  
20 with postage prepaid to the grantor, and to the person who holds the  
21 title of record on the date the notice of default and election to sell is  
22 recorded, at their respective addresses, if known, otherwise to the  
23 address of the trust property. The notice of default and election to  
24 sell must describe the deficiency in performance or payment and  
25 may contain a notice of intent to declare the entire unpaid balance  
26 due if acceleration is permitted by the obligation secured by the  
27 deed of trust, but acceleration must not occur if the deficiency in  
28 performance or payment is made good and any costs, fees and  
29 expenses incident to the preparation or recordation of the notice and  
30 incident to the making good of the deficiency in performance or  
31 payment are paid within the time specified in subsection 2.

32 4. The trustee, or other person authorized to make the sale  
33 under the terms of the trust deed or transfer in trust, shall, after  
34 expiration of the 3-month period following the recording of the  
35 notice of breach and election to sell, and before the making of the  
36 sale, give notice of the time and place thereof in the manner and for  
37 a time not less than that required by law for the sale or sales of real  
38 property upon execution. The sale itself may be made at the office  
39 of the trustee, if the notice so provides, whether the property so  
40 conveyed in trust is located within the same county as the office of  
41 the trustee or not.

42 5. Every sale made under the provisions of this section and  
43 other sections of this chapter vests in the purchaser the title of the  
44 grantor and his successors in interest without equity or right of  
45 redemption. The sale of a lease of a dwelling unit of a cooperative



1 housing corporation vests in the purchaser title to the shares in the  
2 corporation which accompany the lease.

3 **Sec. 12.** NRS 244.335 is hereby amended to read as follows:

4 244.335 1. Except as otherwise provided in subsection 2, the  
5 board of county commissioners may:

6 (a) ~~Regulate~~ *Except as otherwise provided in section 9 of this*  
7 *act, regulate* all character of lawful trades, callings, industries,  
8 occupations, professions and business conducted in its county  
9 outside of the limits of incorporated cities and towns.

10 (b) Except as otherwise provided in NRS 244.3359 and 576.128,  
11 fix, impose and collect a license tax for revenue or for regulation, or  
12 for both revenue and regulation, on such trades, callings, industries,  
13 occupations, professions and business.

14 2. The county license boards have the exclusive power in their  
15 respective counties to regulate entertainers employed by an  
16 entertainment by referral service and the business of conducting a  
17 dancing hall, escort service, entertainment by referral service or  
18 gambling game or device permitted by law, outside of an  
19 incorporated city. The county license boards may fix, impose and  
20 collect license taxes for revenue or for regulation, or for both  
21 revenue and regulation, on such employment and businesses.

22 3. No license to engage in any type of business may be granted  
23 unless the applicant for the license signs an affidavit affirming that  
24 the business has complied with the provisions of chapter 364A of  
25 NRS. The county license board shall provide upon request an  
26 application for a business license pursuant to chapter 364A of NRS.

27 4. No license to engage in business as a seller of tangible  
28 personal property may be granted unless the applicant for the license  
29 presents written evidence that:

30 (a) The Department of Taxation has issued or will issue a permit  
31 for this activity, and this evidence clearly identifies the business by  
32 name; or

33 (b) Another regulatory agency of the State has issued or will  
34 issue a license required for this activity.

35 5. Any license tax levied for the purposes of NRS 244.3358 or  
36 244A.597 to 244A.655, inclusive, constitutes a lien upon the real  
37 and personal property of the business upon which the tax was levied  
38 until the tax is paid. The lien has the same priority as a lien for  
39 general taxes. The lien must be enforced in the following manner:

40 (a) By recording in the office of the county recorder, within 6  
41 months after the date on which the tax became delinquent or was  
42 otherwise determined to be due and owing, a notice of the tax lien  
43 containing the following:

- 44 (1) The amount of tax due and the appropriate year;  
45 (2) The name of the record owner of the property;



1 (3) A description of the property sufficient for identification;  
2 and

3 (4) A verification by the oath of any member of the board of  
4 county commissioners or the county fair and recreation board; and

5 (b) By an action for foreclosure against the property in the same  
6 manner as an action for foreclosure of any other lien, commenced  
7 within 2 years after the date of recording of the notice of the tax  
8 lien, and accompanied by appropriate notice to other lienholders.

9 6. The board of county commissioners may delegate the  
10 authority to enforce liens from taxes levied for the purposes of NRS  
11 244A.597 to 244A.655, inclusive, to the county fair and recreation  
12 board. If the authority is so delegated, the board of county  
13 commissioners shall revoke or suspend the license of a business  
14 upon certification by the county fair and recreation board that the  
15 license tax has become delinquent, and shall not reinstate the license  
16 until the tax is paid. Except as otherwise provided in NRS 244.3357,  
17 all information concerning license taxes levied by an ordinance  
18 authorized by this section or other information concerning the  
19 business affairs or operation of any licensee obtained as a result of  
20 the payment of such license taxes or as the result of any audit or  
21 examination of the books by any authorized employee of a county  
22 fair and recreation board of the county for any license tax levied for  
23 the purpose of NRS 244A.597 to 244A.655, inclusive, is  
24 confidential and must not be disclosed by any member, officer or  
25 employee of the county fair and recreation board or the county  
26 imposing the license tax unless the disclosure is authorized by the  
27 affirmative action of a majority of the members of the appropriate  
28 county fair and recreation board. Continuing disclosure may be so  
29 authorized under an agreement with the Department of Taxation for  
30 the exchange of information concerning taxpayers.

31 **Sec. 13.** NRS 266.355 is hereby amended to read as follows:

32 266.355 1. Except as otherwise provided in subsection 3, the  
33 city council may:

34 (a) ~~Regulate~~ *Except as otherwise provided in section 9 of this*  
35 *act, regulate* all businesses, trades and professions.


36 (b) Except as otherwise provided in NRS 576.128, fix, impose  
37 and collect a license tax for revenue upon all businesses, trades and  
38 professions.

39 2. The city council may establish any equitable standard to be  
40 used in fixing license taxes required to be collected pursuant to this  
41 section.

42 3. The city council may license insurance agents, brokers,  
43 analysts, adjusters and managing general agents within the  
44 limitations and under the conditions prescribed in NRS 680B.020.





1       **Sec. 14.** NRS 269.170 is hereby amended to read as follows:  
2       269.170 1. Except as otherwise provided in NRS 576.128   
3 *and section 9 of this act*, the town board or board of county  
4 commissioners may in any unincorporated town:  
5       (a) Fix and collect a license tax on, and regulate, having due  
6 regard to the amount of business done by each person so licensed,  
7 and all places of business and amusement so licensed, as follows:  
8           (1) Artisans, artists, assayers, auctioneers, bakers, banks and  
9 bankers, barbers, boilermakers, cellars and places where soft drinks  
10 are kept or sold, clothes cleaners, foundries, laundries, lumberyards,  
11 manufacturers of soap, soda, borax or glue, markets, newspaper  
12 publishers, pawnbrokers, funeral directors and wood and coal  
13 dealers.  
14           (2) Bootmakers, cobblers, dressmakers, milliners,  
15 shoemakers and tailors.  
16           (3) Boardinghouses, hotels, lodginghouses, restaurants and  
17 refreshment saloons.  
18           (4) Barrooms, gaming, manufacturers of liquors and other  
19 beverages, and saloons.  
20           (5) Billiard tables, bowling alleys, caravans, circuses,  
21 concerts and other exhibitions, dance houses, melodeons,  
22 menageries, shooting galleries, skating rinks and theaters.  
23           (6) Corrals, hay yards, livery and sale stables and wagon  
24 yards.  
25           (7) Electric light companies, illuminating gas companies,  
26 power companies, telegraph companies, telephone companies and  
27 water companies.  
28           (8) Carts, drays, express companies, freight companies, job  
29 wagons, omnibuses and stages.  
30           (9) Brokers, commission merchants, factors, general agents,  
31 mercantile agents, merchants, traders and stockbrokers.  
32           (10) Drummers, hawkers, peddlers and solicitors.  
33           (11) Insurance agents, brokers, analysts, adjusters and  
34 managing general agents within the limitations and under the  
35 conditions prescribed in NRS 680B.020.  
36       (b) Fix and collect a license tax upon all professions, trades or  
37 business within the town not specified in paragraph (a).  
38       2. No license to engage in business as a seller of tangible  
39 personal property may be granted unless the applicant for the license  
40 presents written evidence that:  
41           (a) The Department of Taxation has issued or will issue a permit  
42 for this activity, and this evidence clearly identifies the business by  
43 name; or  
44           (b) Another regulatory agency of the State has issued or will  
45 issue a license required for this activity.



1 3. Any license tax levied for the purposes of NRS 244A.597 to  
2 244A.655, inclusive, constitutes a lien upon the real and personal  
3 property of the business upon which the tax was levied until the tax  
4 is paid. The lien must be enforced in the same manner as liens for ad  
5 valorem taxes on real and personal property. The town board or  
6 other governing body of the unincorporated town may delegate the  
7 power to enforce such liens to the county fair and recreation board.

8 4. The governing body or the county fair and recreation board  
9 may agree with the Department of Taxation for the continuing  
10 exchange of information concerning taxpayers.

11 **Sec. 15.** Section 2.140 of the Charter of the City of Caliente,  
12 being chapter 31, Statutes of Nevada 1971, at page 60, is hereby  
13 amended to read as follows:

14 Sec. 2.140 Powers of City Council: Licensing,  
15 regulation and prohibition of businesses, trades and  
16 professions.

17 1. The City Council may:

18 (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
19 *of this act, regulate* all businesses, trades and professions.

20 (b) Fix, impose and collect a license tax for revenue upon  
21 all businesses, trades and professions.

22 2. The City Council may establish any equitable  
23 standard to be used in fixing license taxes required to be  
24 collected pursuant to this section.

25 **Sec. 16.** Section 2.150 of the Charter of the City of Carlin,  
26 being chapter 344, Statutes of Nevada 1971, at page 608, is hereby  
27 amended to read as follows:

28 Sec. 2.150 Powers of Board of Councilmen: Licensing,  
29 regulation and prohibition of businesses, trades and  
30 professions.

31 1. The Board of Councilmen may:

32 (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
33 *of this act, regulate* all businesses, trades and professions.

34 (b) Fix, impose and collect a license tax for revenue upon  
35 all businesses, trades and professions.

36 2. No person licensed by an agency of the State of  
37 Nevada to practice any trade or profession except gaming  
38 may be denied a license to conduct his profession.

39 3. The Board of Councilmen may establish any equitable  
40 standard to be used in fixing license taxes required to be  
41 collected pursuant to this section.



1     **Sec. 17.** Section 2.260 of the Charter of the City of Carson  
2 City, being chapter 213, Statutes of Nevada 1969, as amended by  
3 chapter 96, Statutes of Nevada 1997, at page 181, is hereby  
4 amended to read as follows:

5             Sec. 2.260 Power of Board: Licensing, regulation and  
6 prohibition of trades, professions and businesses.

7             1. ~~The~~ *Except as otherwise provided in section 9 of*  
8 *this act, the* Board may fix, impose and collect a license tax  
9 for revenue upon, or regulate:

10            (a) Or both, all trades, callings, professions and  
11 businesses, conducted in whole or in part within Carson City,  
12 except that no person licensed by an agency of the State of  
13 Nevada to practice any profession except gaming may be  
14 denied a license to conduct his profession or required to pay a  
15 license tax except for revenue.

16            (b) Or both, all businesses selling alcoholic liquors at  
17 wholesale or retail, or prohibit or suppress such businesses.

18            (c) Or prescribe the location of all gaming establishments,  
19 or any combination of these, or may prohibit gambling and  
20 gaming of all kinds, and all games of chance.

21            2. The Board may provide for the issuance of all licenses  
22 authorized in this section and the time and manner in which  
23 they will be issued.

24            3. The Board may establish any equitable standard to be  
25 used in fixing license taxes required to be collected pursuant  
26 to this section.

27            4. The Board may, for just cause, suspend, cancel or  
28 revoke any business license.

29     **Sec. 18.** Section 2.150 of the Charter of the City of Elko,  
30 being chapter 276, Statutes of Nevada 1971, as amended by chapter  
31 51, Statutes of Nevada 2001, at page 454, is hereby amended to read  
32 as follows:

33             Sec. 2.150 Powers of City Council: Licensing,  
34 regulation and prohibition of businesses, trades and  
35 professions.

36             1. The City Council may:

37             (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
38 *of this act, regulate* all businesses, trades and professions.

39             (b) Fix, impose and collect a license tax for revenue upon  
40 all businesses, trades and professions.

41             2. The City Council may establish any equitable  
42 standard to be used in fixing license taxes collected pursuant  
43 to this section.



1       **Sec. 19.** Section 2.130 of the Charter of the City of Henderson,  
2 being chapter 266, Statutes of Nevada 1971, at page 407, is hereby  
3 amended to read as follows:

4           Sec. 2.130 Powers of City Council: Licensing,  
5 regulation and prohibition of businesses, trades and  
6 professions.

7           1. The City Council may:  
8           (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
9 *of this act, regulate* all businesses, trades and professions.

10           (b) Fix, impose and collect a license tax for revenue upon  
11 all businesses, trades and professions.

12           2. The City Council may establish any equitable  
13 standard to be used in fixing license taxes required to be  
14 collected pursuant to this section.

15       **Sec. 20.** Section 2.150 of the Charter of the City of Las Vegas,  
16 being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby  
17 amended to read as follows:

18           Sec. 2.150 Powers of City Council: Licensing,  
19 regulation and prohibition of businesses, trades and  
20 professions.

21           1. The City Council may:  
22           (a) Except as is otherwise provided in subsection 2 ~~and~~ *and*  
23 *section 9 of this act,* license and regulate all lawful  
24 businesses, trades and professions.

25           (b) Fix, impose and collect a license tax for regulation or  
26 for revenue, or both, upon all businesses, trades and  
27 professions and provide an equitable standard for fixing those  
28 license taxes.

29           (c) Suspend or revoke the license of any business, trade or  
30 profession for failing to comply with any regulation of the  
31 City in such manner as may be prescribed by ordinance.

32           2. No person, firm or corporation which is licensed by  
33 an agency of the State to conduct or practice any business,  
34 trade or profession, except as is otherwise provided in  
35 subsection 3, may be denied a license to conduct or practice  
36 that business, trade or profession, nor may the license be  
37 suspended or revoked, if:

38           (a) That person, firm or corporation complies with all of  
39 the regulations which are established by that agency and pays  
40 to the City such license taxes and related fees and posts such  
41 bond or bonds as may be prescribed by ordinance; and

42           (b) The location of the business, trade or profession  
43 complies with all of the requirements of all of the zoning,  
44 building, plumbing, electrical, safety and fire prevention  
45 codes or regulations of the City.



1           3. The City Council may provide, by ordinance,  
 2 regulations which restrict the number, location and method of  
 3 operation of and the qualifications for ownership in:  
 4           (a) Liquor-dispensing or gaming establishments, or both;  
 5           (b) Businesses which are engaged in the manufacture or  
 6 distribution, or both, of liquor or gaming devices; and  
 7           (c) Such other businesses, trades and professions as may  
 8 be declared by ordinance to be privileged,  
 9 and regulations which prescribe the circumstances under and  
 10 the manner in which licenses with respect to those  
 11 establishments, businesses, trades and professions may be  
 12 denied, limited, suspended or revoked.

13       **Sec. 21.** Section 2.140 of the Charter of the City of North Las  
 14 Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is  
 15 hereby amended to read as follows:

16           Sec. 2.140 Powers of City Council: Licensing,  
 17 regulation and prohibition of businesses, trades and  
 18 professions.

19           1. The City Council may:  
 20           (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
 21 *of this act, regulate* all businesses, trades and professions.  
 22           (b) Fix, impose and collect a license fee for revenue upon  
 23 all businesses, trades and professions.

24           2. The City Council may establish any equitable  
 25 standard to be used in fixing license fees required to be  
 26 collected pursuant to this section.

27       **Sec. 22.** Section 2.140 of the Charter of the City of Reno,  
 28 being chapter 662, Statutes of Nevada 1971, as last amended by  
 29 chapter 416, Statutes of Nevada 2001, at page 2105, is hereby  
 30 amended to read as follows:

31           Sec. 2.140 General powers of City Council.

32           1. Except as otherwise provided in subsection 2 and  
 33 section 2.150, the City Council may:

34           (a) Acquire, control, improve and dispose of any real or  
 35 personal property for the use of the City, its residents and  
 36 visitors.

37           (b) ~~Regulate~~ *Except as otherwise provided in section 9*  
 38 *of this act, regulate* and impose a license tax for revenue  
 39 upon all businesses, trades and professions.

40           (c) Provide or grant franchises for public transportation  
 41 and utilities.

42           (d) Appropriate money for advertising and publicity and  
 43 for the support of a municipal band.

44           (e) Enact and enforce any police, fire, traffic, health,  
 45 sanitary or other measure which does not conflict with the



1 general laws of the State of Nevada. An offense that is made  
2 a misdemeanor by the laws of the State of Nevada shall also  
3 be deemed to be a misdemeanor against the City whenever  
4 the offense is committed within the City.

5 (f) Fix the rate to be paid for any utility service provided  
6 by the City as a public enterprise. Any charges due for  
7 services, facilities or commodities furnished by any utility  
8 owned by the City is a lien upon the property to which the  
9 service is rendered and is perfected by filing with the County  
10 Recorder a statement by the City Clerk of the amount due and  
11 unpaid and describing the property subject to the lien. Any  
12 such lien is:

13 (1) Coequal with the latest lien upon the property to  
14 secure the payment of general taxes.

15 (2) Not subject to extinguishment by the sale of any  
16 property on account of the nonpayment of general taxes.

17 (3) Prior and superior to all liens, claims,  
18 encumbrances and titles other than the liens of assessments  
19 and general taxes.

20 2. The City Council:

21 (a) Shall not sell telecommunications service to the  
22 general public.

23 (b) May purchase or construct facilities for providing  
24 telecommunications that intersect with public rights of way if  
25 the governing body:

26 (1) Conducts a study to evaluate the costs and benefits  
27 associated with purchasing or constructing the facilities; and

28 (2) Determines from the results of the study that the  
29 purchase or construction is in the interest of the general  
30 public.

31 3. Any information relating to the study conducted  
32 pursuant to subsection 2 must be maintained by the City  
33 Clerk and made available for public inspection during the  
34 business hours of the Office of the City Clerk.

35 4. Notwithstanding the provisions of paragraph (a) of  
36 subsection 2, an airport may sell telecommunications service  
37 to the general public.

38 5. As used in this section:

39 (a) "Telecommunications" has the meaning ascribed to it  
40 in 47 U.S.C. § 153(43), as that section existed on July 16,  
41 1997.

42 (b) "Telecommunications service" has the meaning  
43 ascribed to it in 47 U.S.C. § 153(46), as that section existed  
44 on July 16, 1997.



1       **Sec. 23.** Section 2.090 of the Charter of the City of Sparks,  
2 being chapter 470, Statutes of Nevada 1975, as last amended by  
3 chapter 129, Statutes of Nevada 1993, at page 230, is hereby  
4 amended to read as follows:

5           Sec. 2.090 Powers of City Council: General areas.  
6       The City Council may exercise any power specifically  
7 granted in this Charter or by any of the provisions of Nevada  
8 Revised Statutes not in conflict with this Charter, in order to:

- 9       1. ~~License~~ *Except as otherwise provided in section 9*  
10 *of this act, license* all businesses, trades and professions for  
11 purposes of regulation and revenue.
- 12       2. Enact and enforce fire ordinances.
- 13       3. Regulate the construction and maintenance of any  
14 building or other structure within the City.
- 15       4. Provide for safeguarding of public health in the City.
- 16       5. Zone and plan the City, including the regulation of  
17 subdivision of land, as prescribed by chapter 278 of NRS.
- 18       6. Acquire, control, lease, dedicate, sell and convey  
19 rights of way, parks and other real property.
- 20       7. Regulate vehicular traffic and parking of vehicles.
- 21       8. Establish and maintain a sanitary sewer system.
- 22       9. Condemn property within the territorial limits of the  
23 City, as well as property outside the territorial limits of the  
24 City, in the manner prescribed by chapter 37 of NRS.
- 25       10. Regulate, prescribe the location for, prohibit or  
26 suppress all businesses selling alcoholic liquors at wholesale  
27 or retail.
- 28       11. Regulate, prescribe the location for, prohibit or  
29 suppress gaming of all kinds.

30       **Sec. 24.** Section 2.150 of the Charter of the City of Wells,  
31 being chapter 275, Statutes of Nevada 1971, at page 463, is hereby  
32 amended to read as follows:

33           Sec. 2.150 Powers of Board of Councilmen: Licensing,  
34 regulation and prohibition of businesses, trades and  
35 professions.

- 36       1. The Board of Councilmen may:
  - 37       (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
38 *of this act, regulate* all businesses, trades and professions.
  - 39       (b) Fix, impose and collect a license tax for revenue upon  
40 all businesses, trades and professions.
- 41       2. No person licensed by an agency of the State of  
42 Nevada to practice any trade or profession except gaming  
43 may be denied a license to conduct his profession.



1           3. The Board of Councilmen may establish any equitable  
2           standard to be used in fixing license taxes required to be  
3           collected pursuant to this section.

4           **Sec. 25.** Section 2.140 of the Charter of the City of Yerington,  
5           being chapter 465, Statutes of Nevada 1971, at page 906, is hereby  
6           amended to read as follows:

7           Sec. 2.140 Powers of City Council: Licensing,  
8           regulation and prohibition of businesses, trades and  
9           professions.

10          1. The City Council may:

11           (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
12           *of this act, regulate* all businesses, trades and professions.

13           (b) Fix, impose and collect a license tax for revenue upon  
14           all businesses, trades and professions.

15          2. The City Council may establish any equitable standard to be  
16          used in fixing license taxes required to be collected pursuant to this  
17          section.

18          **Sec. 26.** The amendatory provisions of sections 1 to 9,  
19          inclusive, of this act do not apply to a loan that is entered into before  
20          October 1, 2003.

