

ASSEMBLY BILL NO. 337—ASSEMBLYMEN GIUNCHIGLIANI,
ARBERRY, PARKS, MCCLAIN, LESLIE, ANDERSON,
ATKINSON, CONKLIN, HORNE, MANENDO, OCEGUERA AND
WILLIAMS

MARCH 14, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning rights of ex-
felons. (BDR 14-63)

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 criminal history; providing for the automatic restoration of the civil rights of a person who is honorably discharged from probation or parole, or pardoned or released from prison after serving his sentence; providing for the automatic restoration of the civil rights of a person whose records of conviction are sealed; limiting the persons who are required to register as convicted persons; prohibiting a law enforcement agency from requiring a convicted person to carry a registration card; revising the provisions governing the employment of certain convicted felons; revising the provisions governing the certification and licensure of certain convicted felons in certain professions and occupations; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 176A.850 is hereby amended to read as
2 follows:
3 176A.850 1. A person who:
4 (a) Has fulfilled the conditions of his probation for the entire
5 period thereof;



* A B 3 3 7 R 1 *

1 (b) Is recommended for earlier discharge by the Division; or
2 (c) Has demonstrated his fitness for honorable discharge but
3 because of economic hardship, verified by a parole and probation
4 officer, has been unable to make restitution as ordered by the
5 court,
6 may be granted an honorable discharge from probation by order of
7 the court.

8 2. Any amount of restitution remaining unpaid constitutes a
9 civil liability arising upon the date of discharge.

10 3. A person honorably discharged from probation:

11 (a) Is free from the terms and conditions of his probation . ~~;~~
12 ~~—(b) If he meets the requirements of NRS 176A.860, may apply~~
13 ~~to the Division to request a restoration of his civil rights; and~~

14 ~~—(c) (b) Is immediately restored to the following civil rights:~~

15 (1) *The right to vote; and*

16 (2) *The right to hold office.*

17 (c) *Two years after the date of his honorable discharge from*
18 *probation, is restored to the right to serve on a jury.*

19 (d) If he meets the requirements of NRS 179.245, may apply to
20 the court for the sealing of records relating to his conviction. ~~[The~~
21 ~~person must]~~

22 (e) *Must* be informed of the provisions of this section and NRS
23 ~~[176A.860 and]~~ 179.245 in his probation papers.

24 ~~[4.—A person honorably discharged from probation who has had~~
25 ~~his civil rights restored by the court:—~~

26 ~~—(a)] (f) Is exempt from the requirements of chapter 179C of~~
27 ~~NRS, but is not exempt from the requirements of chapter 179D of~~
28 ~~NRS.~~

29 ~~[(b) May vote, hold office or serve as a juror.~~

30 ~~—(c)] (g) Shall disclose the conviction to a gaming establishment~~
31 ~~and to the State and its agencies, departments, boards, commissions~~
32 ~~and political subdivisions, if required in an application for~~
33 ~~employment, license or other permit. As used in this paragraph,~~
34 ~~“establishment” has the meaning ascribed to it in NRS 463.0148.~~

35 ~~[(d)] (h) Except as otherwise provided in paragraph [(e)] (g),~~
36 ~~need not disclose the conviction to an employer or prospective~~
37 ~~employer.~~

38 ~~[5.] 4. The prior conviction of a person [whose civil rights~~
39 ~~have been restored or] who has been honorably discharged from~~
40 ~~probation may be used for purposes of impeachment. In any~~
41 ~~subsequent prosecution of the person , [who has had his civil rights~~
42 ~~restored or who has been honorably discharged from probation,] the~~
43 ~~prior conviction may be pleaded and proved if otherwise admissible.~~

44 *5. Upon his honorable discharge from probation, the person*
45 *so discharged must be given an official document which*



1 *demonstrates that he has received an honorable discharge from*
2 *probation.*

3 6. *A person who has been honorably discharged from*
4 *probation in this state or any other state and whose official*
5 *documentation of his discharge is lost, damaged or destroyed may*
6 *file a written request with a court of competent jurisdiction to*
7 *restore his civil rights pursuant to this section. Upon verification*
8 *that the person has been honorably discharged from probation,*
9 *the court shall issue an order restoring the person to the civil*
10 *rights set forth in subsection 3. A person must not be required to*
11 *pay a fee to receive such an order.*

12 7. *A person who is honorably discharged from probation in*
13 *this state or any other state may present official documentation of*
14 *his honorable discharge from probation or a court order restoring*
15 *his civil rights as proof that he has been restored to his right to*
16 *vote, to hold office and to serve as a juror.*

17 **Sec. 2.** NRS 179.285 is hereby amended to read as follows:
18 179.285 Except as otherwise provided in NRS 179.301 ~~[, and]~~:

19 1. *If the court orders a record sealed pursuant to NRS*
20 *176A.265, 179.245, 179.255, 179.259 or 453.3365:*

21 ~~[(1)]~~ (a) All proceedings recounted in the record are deemed
22 never to have occurred, and the person to whom the order pertains
23 may properly answer accordingly to any inquiry , *including,*
24 *without limitation, an inquiry relating to an application for*
25 *employment,* concerning the arrest, conviction, dismissal or
26 acquittal and the events and proceedings relating to the arrest,
27 conviction, dismissal or acquittal.

28 ~~[(2) The court shall order the civil rights of the person to whom~~
29 ~~the order pertains to be restored if the person has not been restored~~
30 ~~to his civil rights.]~~

31 (b) *The person is immediately restored to the following civil*
32 *rights if his civil rights previously have not been restored:*

- 33 (1) *The right to vote;*
- 34 (2) *The right to hold office; and*
- 35 (3) *The right to serve on a jury.*

36 2. *Upon the sealing of his records, a person who is restored to*
37 *his civil rights must be given an official document which*
38 *demonstrates that he has been restored to the civil rights set forth*
39 *in paragraph (b) of subsection 1.*

40 3. *A person who has had his records sealed in this state or*
41 *any other state and whose official documentation of the*
42 *restoration of his civil rights is lost, damaged or destroyed may file*
43 *a written request with a court of competent jurisdiction to restore*
44 *his civil rights pursuant to this section. Upon verification that the*
45 *person has had his records sealed, the court shall issue an order*



1 *restoring the person to the civil rights to vote, to hold office and to*
2 *serve on a jury. A person must not be required to pay a fee to*
3 *receive such an order.*

4 *4. A person who has had his records sealed in this state or*
5 *any other state may present official documentation that he has*
6 *been restored to his civil rights or a court order restoring his civil*
7 *rights as proof that he has been restored to the right to vote, to*
8 *hold office and to serve as a juror.*

9 **Sec. 3.** NRS 179.301 is hereby amended to read as follows:

10 179.301 1. The State Gaming Control Board and *the* Nevada
11 Gaming Commission and their employees, agents and
12 representatives may inquire into and inspect any records sealed
13 pursuant to NRS 179.245 or 179.255, if the event or conviction was
14 related to gaming, for purposes of determining the suitability or
15 qualifications of any person to hold a state gaming license,
16 manufacturer's, seller's or distributor's license or gaming work
17 permit pursuant to chapter 463 of NRS. Events and convictions, if
18 any, which are the subject of an order sealing records ~~[may]~~ :

19 (a) *May* form the basis for recommendation, denial or
20 revocation of those licenses. ~~[or work permits.]~~

21 (b) *Must not form the basis for denial or rejection of a gaming*
22 *work permit unless the event or conviction relates to the*
23 *applicant's suitability or qualifications to hold the work permit.*

24 2. The Central Repository *for Nevada Records of Criminal*
25 *History* and its employees may inquire into and inspect any records
26 sealed pursuant to NRS 179.245 or 179.255 that constitute
27 information relating to sexual offenses, and may notify employers of
28 the information in accordance with NRS 179A.180 to 179A.240,
29 inclusive.

30 3. Records which have been sealed pursuant to NRS 179.245
31 or 179.255 and which are retained in the statewide registry
32 established pursuant to NRS 179B.200 may be inspected pursuant to
33 chapter 179B of NRS by an officer or employee of the Central
34 Repository or a law enforcement officer in the regular course of his
35 duties.

36 **Sec. 4.** NRS 179C.010 is hereby amended to read as follows:

37 179C.010 1. Except as otherwise provided in subsection 2, as
38 used in this chapter, unless the context otherwise requires,
39 "convicted person" means:

40 (a) A person convicted in the State of Nevada ~~[of an offense that~~
41 ~~is punishable as a felony]~~ or convicted in any place other than the
42 State of Nevada of ~~[a felony];~~

43 ~~—(b) A person convicted in the State of Nevada, or elsewhere, of~~
44 ~~the violation of a law, regardless of whether the violation is~~
45 ~~punishable as a felony;~~



1 ~~— (1) Relating to or regulating the possession, distribution,~~
2 ~~furnishing or use of a habit forming drug of the kind or character~~
3 ~~described and referred to in the Uniform Controlled Substances Act;~~
4 ~~— (2) Regulating or prohibiting the carrying, possession or~~
5 ~~ownership of a concealed weapon, deadly weapon or weapon~~
6 ~~capable of being concealed, or regulating or prohibiting the~~
7 ~~possession, sale or use of a device, instrument or attachment~~
8 ~~designed or intended to be used to silence the report or conceal the~~
9 ~~discharge or flash of any firearm; or~~
10 ~~— (3) Regulating or prohibiting the use, possession,~~
11 ~~manufacture or compounding of tear gas, or any other gas, that may~~
12 ~~be used to disable temporarily or permanently a human being; or (c)~~
13 ~~A person convicted in the State of Nevada, or elsewhere, of an~~
14 ~~attempt or a conspiracy to commit an offense described or referred~~
15 ~~to in this subsection.] *two or more offenses punishable as felonies.*~~

16 2. For the purposes of this chapter, “convicted person” does not
17 include:

18 (a) A person who has been convicted of a crime against a child,
19 as defined in NRS 179D.210, or a sexual offense, as defined in NRS
20 179D.410; or

21 (b) Except as otherwise provided in this chapter, a person whose
22 conviction is or has been set aside in the manner provided by law.

23 **Sec. 5.** NRS 179C.100 is hereby amended to read as follows:

24 179C.100 1. It is unlawful for a convicted person to be or
25 remain in the State of Nevada for a period of more than 48 hours
26 without, during such 48-hour period, registering with the sheriff of a
27 county or the chief of police of a city in the manner prescribed in
28 this section.

29 2. A convicted person who does not reside in the State of
30 Nevada but who has a temporary or permanent place of abode
31 outside the State of Nevada, and who comes into the State on five
32 occasions or more during any 30-day period, is subject to the
33 provisions of this chapter.

34 3. A person who has registered as a convicted person with the
35 sheriff of a county or the chief of police of a city shall register again
36 as provided in this section if he subsequently commits another
37 offense described or referred to in this chapter.

38 4. A person required by this section to register shall do so by
39 filing with the sheriff or chief of police a statement in writing, upon
40 a form prescribed and furnished by the sheriff or chief of police,
41 which is signed by the person and which provides the following
42 information:

43 (a) His true name and each alias that he has used or under which
44 he may have been known;

45 (b) A full and complete description of his person;



1 (c) The kind, character and nature of each crime of which he has
2 been convicted;

3 (d) The place in which he was convicted of each crime;

4 (e) The name under which he was convicted in each instance
5 and the date thereof;

6 (f) The name, if any, and the location of each prison,
7 reformatory, jail or other penal institution in which he was confined
8 or to which he was sentenced;

9 (g) The location and address of his residence, stopping place,
10 living quarters or place of abode, and if more than one residence,
11 stopping place or place of abode, that fact must be stated and the
12 location and address of each given;

13 (h) The kind of residence, stopping place, or place of abode in
14 which he resides, including whether it is a private residence, hotel,
15 apartment house or other building or structure;

16 (i) The length of time he has occupied each place of residence,
17 stopping place or place of abode, and the length of time he expects
18 or intends to remain in the State of Nevada; and

19 (j) Any further information that may be required by the sheriff
20 or chief of police for the purpose of aiding and assisting in carrying
21 into effect the provisions and intent of this chapter.

22 5. *The sheriff of a county or the chief of police of a city shall*
23 *not require a convicted person to carry a registration card, and no*
24 *convicted person who is required to register pursuant to this*
25 *section may be punished for the failure to carry a registration*
26 *card.*

27 6. When so ordered in the individual case by the district court
28 in which the conviction was obtained, by the State Board of Parole
29 Commissioners or by the State Board of Pardons Commissioners,
30 whichever is appropriate, the provisions of this section do not apply
31 to a convicted person who has had his civil rights restored.

32 **Sec. 6.** NRS 6.010 is hereby amended to read as follows:

33 6.010 ~~Every~~ *Except as otherwise provided in this section,*
34 *every* qualified elector of the State, whether registered or not, who
35 has sufficient knowledge of the English language, and who has not
36 been convicted of treason , a felony, or other infamous crime, and
37 who is not rendered incapable by reason of physical or mental
38 infirmity, is a qualified juror of the county in which he resides. *A*
39 *person who has been convicted of a felony is not a qualified juror*
40 *of the county in which he resides until his civil right to serve as a*
41 *juror has been restored pursuant to NRS 176A.850, 179.285,*
42 *213.090, 213.155 or 213.157.*

43 **Sec. 7.** NRS 119A.230 is hereby amended to read as follows:

44 119A.230 1. The Administrator may impose a fine or
45 suspend, revoke, reissue, subject to conditions, or deny the renewal



1 of any sales agent's license issued under the provisions of this
2 chapter at any time if the sales agent has, by false or fraudulent
3 application or representation, obtained a license or, whether or not
4 acting as a sales agent, is found guilty of:

- 5 (a) Making any material misrepresentation;
- 6 (b) Making any false promises of a character likely to influence,
7 persuade or induce;
- 8 (c) Engaging in any fraudulent, misleading or oppressive sales
9 techniques or tactics;
- 10 (d) Accepting a commission or valuable consideration as a sales
11 agent for the performance of any of the acts specified in this chapter
12 from any person except a licensed project broker with whom the
13 sales agent is associated or the developer by whom he is employed;
- 14 (e) Failing, within a reasonable time, to account for or remit or
15 turn over to the project broker any money which comes into his
16 possession and which belongs to others;
- 17 (f) Violating any of the provisions of this chapter or chapter
18 119B of NRS or of any regulation adopted pursuant to either
19 chapter, or willfully aiding or abetting another to do so; or
- 20 (g) A felony *relating to the practice of a sales agent* or other
21 crime of moral turpitude or has entered a plea of nolo contendere to
22 a felony *relating to the practice of a sales agent* or other crime of
23 moral turpitude.

24 2. The Administrator may investigate the actions of any sales
25 agent or any person who acts in such a capacity within the State of
26 Nevada.

27 **Sec. 8.** NRS 138.020 is hereby amended to read as follows:

28 138.020 1. No person is qualified to serve as an executor
29 who, at the time the will is probated:

- 30 (a) Is under the age of majority;
- 31 (b) Has been convicted of a felony ~~relating to the position of~~ *relating to the position of*
32 *an executor*;
- 33 (c) Upon proof, is adjudged by the court disqualified to execute
34 the duties of executor by reason of drunkenness, improvidence or
35 lack of integrity or understanding; or
- 36 (d) Is a bank not authorized to do business in the State of
37 Nevada, unless it associates as coexecutor a bank authorized to do
38 business in this state. An out-of-state bank is qualified to appoint a
39 substitute executor, pursuant to NRS 138.045, without forming such
40 an association, but any natural person so appointed must be a
41 resident of this state.

42 2. If a disqualified person is named as the sole executor in a
43 will, or if all persons so named are disqualified or renounce their
44 right to act, or fail to appear and qualify, letters of administration
45 with the will annexed must issue.



1 **Sec. 9.** NRS 139.010 is hereby amended to read as follows:
2 139.010 No person is entitled to letters of administration who:
3 1. Is under the age of majority;
4 2. Has been convicted of a felony ~~relating to the position of~~
5 *an administrator*;
6 3. Upon proof, is adjudged by the court disqualified by reason
7 of conflict of interest, drunkenness, improvidence, or lack of
8 integrity or understanding; or
9 4. Is not a resident of the State of Nevada and who does not
10 associate as coadministrator a resident of the State of Nevada or
11 which, in the case of a banking corporation, is not authorized to do
12 business in this state and does not associate as coadministrator a
13 resident of the State of Nevada or a banking corporation authorized
14 to do business in this state.

15 **Sec. 10.** NRS 159.059 is hereby amended to read as follows:
16 159.059 Any qualified person or entity that the court finds
17 suitable may serve as a guardian. A person is not qualified to serve
18 as a guardian who:
19 1. Is an incompetent.
20 2. Is a minor.
21 3. Has been convicted of a felony ~~relating to the position of~~
22 *a guardian*.
23 4. Has been suspended for misconduct or disbarred from the
24 practice of law during the period of the suspension or disbarment.
25 5. Is a nonresident of this state and has not:
26 (a) Associated as a coguardian, a resident of this state or a
27 banking corporation whose principal place of business is in this
28 state; and
29 (b) Caused the appointment to be filed in the guardianship
30 proceeding.
31 6. Has been judicially determined, by clear and convincing
32 evidence, to have committed abuse, neglect or exploitation of a
33 child, spouse, parent or other adult.

34 **Sec. 11.** NRS 197.230 is hereby amended to read as follows:
35 197.230 The conviction of a public officer of any felony
36 *relating to the qualifications, functions or duties of the public*
37 *office* or malfeasance in office shall entail, in addition to such other
38 penalty as may be imposed, the forfeiture of his office, and shall
39 disqualify him from ever afterward holding any public office in this
40 state.

41 **Sec. 12.** NRS 202.760 is hereby amended to read as follows:
42 202.760 It is unlawful for any person:
43 1. Who is under indictment for, or has been convicted in any
44 court of, a crime *relating to the practice of shipping or*



1 *transporting explosives that is* punishable by imprisonment for a
2 term exceeding 1 year;

3 2. Who is a fugitive from justice;

4 3. Who is an unlawful user of or addicted to any depressant or
5 stimulant drug or any controlled substance; or

6 4. Who has been judicially declared mentally ill or who has
7 been committed to a hospital as mentally ill,

8 to ship or transport any explosive within the State or to receive any
9 explosive which has been shipped or transported within the State.

10 **Sec. 13.** NRS 213.090 is hereby amended to read as follows:

11 213.090 1. ~~[When a pardon] A person who~~ is granted a
12 *pardon* for any offense committed : ~~[- the pardon may or may not~~
13 ~~include restoration of civil rights. If the pardon includes restoration~~
14 ~~of civil rights, it must be so stated in the instrument or certificate of~~
15 ~~pardon and, when granted upon conditions, limitations or~~
16 ~~restrictions, they must be fully set forth in the instrument.~~

17 ~~— 2. — In any case where a convicted person has received a pardon~~
18 ~~without immediate restoration of his civil rights, he may apply to the~~
19 ~~State Board of Pardons Commissioners for restoration of his civil~~
20 ~~rights and release from penalties and disabilities resulting from the~~
21 ~~offense or crime of which he was convicted.~~

22 ~~— 3. — Upon receiving an application pursuant to subsection 2, the~~
23 ~~Board shall determine whether the applicant has received a pardon.~~
24 ~~If the Board determines that the applicant has received a pardon, the~~
25 ~~Board shall, as soon as reasonably practicable, restore him to his~~
26 ~~civil rights and release him from all penalties and disabilities~~
27 ~~resulting from the offense or crime of which he was convicted.~~

28 ~~— 4. — An applicant]~~

29 (a) *Is immediately restored to the following civil rights:*

30 (1) *The right to vote; and*

31 (2) *The right to hold office.*

32 (b) *Two years after the date that his pardon is granted, is*
33 *restored to the right to serve on a jury.*

34 2. *Upon receiving a pardon, a person so pardoned must be*
35 *given an official document which demonstrates that he has been*
36 *granted a pardon.*

37 3. *A person who has been granted a pardon in this state or*
38 *any other state and whose official documentation of the pardon is*
39 *lost, damaged or destroyed may file a written request with a court*
40 *of competent jurisdiction to restore his civil rights pursuant to this*
41 *section. Upon verification that the person has been granted a*
42 *pardon, the court shall issue an order restoring the person to the*
43 *civil rights set forth in subsection 1. A person must not be required*
44 *to pay a fee to receive such an order.*



1 4. *A person who has been granted a pardon in this state or*
 2 *any other state may present official documentation of his pardon*
 3 *or a court order restoring his civil rights as proof that he has been*
 4 *restored to his right to vote, to hold office and to serve as a juror.*
 5 *A person* must not be required to pay a fee to ~~[have his civil rights~~
 6 ~~restored or to be released from penalties and disabilities pursuant to~~
 7 ~~this section.]~~ *receive such an order.*

8 **Sec. 14.** NRS 213.155 is hereby amended to read as follows:
 9 213.155 1. ~~[The Board may restore a paroled prisoner to his~~
 10 ~~civil rights, conditioned upon the prisoner receiving]~~ *A person who*
 11 *receives* an honorable discharge from parole pursuant to NRS
 12 213.154 : ~~[. Such restoration must take effect at the expiration of the~~
 13 ~~parole of the prisoner.~~

14 ~~—2.— In any case where a convicted person has completed his~~
 15 ~~parole without immediate restoration of his civil rights and has been~~
 16 ~~issued an honorable discharge from parole pursuant to NRS~~
 17 ~~213.154, he may apply to the Division to request a restoration of his~~
 18 ~~civil rights and release from penalties and disabilities which resulted~~
 19 ~~from the offense or crime of which he was convicted.~~

20 ~~—3.— Upon receiving an application pursuant to subsection 2, the~~
 21 ~~Division shall determine whether the applicant has received an~~
 22 ~~honorable discharge from parole. If the Division determines that the~~
 23 ~~applicant has received an honorable discharge, the Division shall~~
 24 ~~forward the application to the Board.~~

25 ~~—4.— Upon receiving an application pursuant to subsection 3, the~~
 26 ~~Board shall, as soon as reasonably practicable, restore the applicant~~
 27 ~~to his civil rights and release him from all penalties and disabilities~~
 28 ~~resulting from the offense or crime of which he was convicted.~~

29 ~~—5.— An applicant]~~
 30 (a) *Is immediately restored to the following civil rights:*
 31 (1) *The right to vote; and*
 32 (2) *The right to hold office.*

33 (b) *Two years after the date of his honorable discharge from*
 34 *parole, is restored to the right to serve on a jury.*

35 2. *Upon his honorable discharge from parole, the person so*
 36 *discharged must be given an official document which*
 37 *demonstrates that he has received an honorable discharge from*
 38 *parole.*

39 3. *A person who has been honorably discharged from parole*
 40 *in this state or any other state and whose official documentation of*
 41 *his honorable discharge is lost, damaged or destroyed may file a*
 42 *written request with a court of competent jurisdiction to restore his*
 43 *civil rights pursuant to this section. Upon verification that the*
 44 *person has been honorably discharged from probation, the court*
 45 *shall issue an order restoring the person to the civil rights set forth*



1 *in subsection 1. A person must not be required to pay a fee to*
2 *receive such an order.*

3 *4. A person who is honorably discharged from parole in this*
4 *state or any other state may present official documentation of his*
5 *honorably discharge from probation or a court order restoring his*
6 *civil rights as proof that he has been restored to his right to vote,*
7 *to hold office and to serve as a juror. A person must not be*
8 *required to pay a fee to ~~have his civil rights are restored or to be~~*
9 *~~released from penalties and disabilities pursuant to this section.~~*
10 *~~6.] receive such an order.~~*

11 *5. The Board may adopt regulations necessary or convenient*
12 *for the purposes of this section.*

13 **Sec. 15.** NRS 213.157 is hereby amended to read as follows:

14 213.157 1. ~~[In any case where a]~~ *A person convicted of a*
15 *felony in the State of Nevada who has served his sentence [and] ,*
16 *has been released from prison [, he may apply to the Division*
17 *requesting restoration of his civil rights and release from all*
18 *penalties and disabilities which resulted from the offense or crime of*
19 *which he was convicted.*

20 ~~—2.— Upon receiving an application pursuant to subsection 1, the~~
21 ~~Division shall determine whether the applicant has served his~~
22 ~~sentence and been released from prison. If the Division determines~~
23 ~~that the applicant has served his sentence and been released from~~
24 ~~prison, the Division shall forward the application to the district court~~
25 ~~in which the conviction was obtained.~~

26 ~~—3.— Upon receiving an application pursuant to subsection 2, the~~
27 ~~court shall, as soon as reasonably practicable, restore the civil rights~~
28 ~~of the applicant and release him from all penalties and disabilities~~
29 ~~which resulted from the offense or crime of which he was convicted.~~

30 ~~—4.— An applicant] and is not subject to a period of parole or~~
31 ~~probation:~~

32 *(a) Is immediately restored to the following civil rights:*

- 33 *(1) The right to vote; and*
34 *(2) The right to hold office.*

35 *(b) Two years after the date of his release from prison, is*
36 *restored to the right to serve on a jury.*

37 *2. Upon his release from prison without a period of parole or*
38 *probation, a person so released must be given an official*
39 *document which demonstrates that he has been released from*
40 *prison and is not subject to a period of parole or probation.*

41 *3. A person who is released from prison in this state or any*
42 *other state and who is not subject to a period of parole or*
43 *probation in this state or any other state and whose official*
44 *documentation of his release is lost, damaged or destroyed may*
45 *file a written request with a court of competent jurisdiction to*



1 *restore his civil rights pursuant to this section. Upon verification*
2 *that the person has been released from prison and is not subject to*
3 *a period of parole or probation, the court shall issue an order*
4 *restoring the person to the civil rights set forth in subsection 1. A*
5 *person must not be required to pay a fee to receive such an order.*

6 *4. A person who is released from prison and who is not*
7 *subject to a period of parole or probation in this state or any other*
8 *state may present official documentation of his release or a court*
9 *order restoring his civil rights as proof that he has been restored to*
10 *his right to vote, to hold office and to serve as a juror. A person*
11 *must not be required to pay a fee to ~~have his civil rights restored or~~*
12 *~~to be released from penalties and disabilities pursuant to this~~*
13 *~~section.] receive such an order.~~*

14 **Sec. 16.** NRS 248.010 is hereby amended to read as follows:

15 248.010 1. Sheriffs ~~shall~~ *must* be elected by the qualified
16 electors of their respective counties.

17 2. Sheriffs ~~shall~~ *must* be chosen by the electors of their
18 respective counties at the general election in 1922, and at the
19 general election every 4 years thereafter, and shall enter upon the
20 duties of their respective offices on the ~~1st~~ *first* Monday of
21 January subsequent to their election.

22 *3. A person who has been convicted of a felony in this state or*
23 *any other state is not qualified to be a candidate for or elected or*
24 *appointed to the office of sheriff regardless of whether he has*
25 *been restored to his civil rights.*

26 **Sec. 17.** NRS 258.010 is hereby amended to read as follows:

27 258.010 1. Except as otherwise provided in subsections 2
28 and 3:

29 (a) Constables must be elected by the qualified electors of their
30 respective townships.

31 (b) The constables of the several townships of the State must be
32 chosen at the general election of 1966, and shall enter upon the
33 duties of their offices on the first Monday of January next
34 succeeding their election, and hold their offices for the term of 4
35 years thereafter, until their successors are elected and qualified.

36 (c) Constables must receive certificates of election from the
37 boards of county commissioners of their respective counties.

38 2. In a county which includes only one township, the board of
39 county commissioners may, by resolution, appoint the sheriff ex
40 officio constable to serve without additional compensation. The
41 resolution must not become effective until the completion of the
42 term of office for which a constable may have been elected.

43 3. In a county whose population:

44 (a) Is less than 400,000, if the board of county commissioners
45 determines that the office of constable is not necessary in one or



1 more townships within the county, it may, by ordinance, abolish the
2 office of constable in those townships.

3 (b) Is 400,000 or more, if the board of county commissioners
4 determines that the office of constable is not necessary in one or
5 more townships within the county, it may, by ordinance, abolish the
6 office in those townships, but the abolition does not become
7 effective as to a particular township until the constable incumbent
8 on May 28, 1979, does not seek, or is defeated for, reelection.
9 For a township in which the office of constable has been abolished,
10 the board of county commissioners may, by resolution, appoint the
11 sheriff ex officio constable to serve without additional
12 compensation.

13 *4. A person who has been convicted of a felony in this state or*
14 *any other state is not qualified to be a candidate for or elected or*
15 *appointed to the office of constable regardless of whether he has*
16 *been restored to his civil rights.*

17 **Sec. 18.** Chapter 289 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *A person who has been convicted of a felony in this state or any*
20 *other state is not qualified to serve as a category I peace officer,*
21 *category II peace officer or category III peace officer regardless of*
22 *whether he has been restored to his civil rights.*

23 **Sec. 19.** NRS 289.450 is hereby amended to read as follows:
24 289.450 As used in NRS 289.450 to 289.600, inclusive, *and*
25 *section 18 of this act*, unless the context otherwise requires, the
26 words and terms defined in NRS 289.460 to 289.490, inclusive,
27 have the meanings ascribed to them in those sections.

28 **Sec. 20.** NRS 386.549 is hereby amended to read as follows:

29 386.549 1. The governing body of a charter school
30 consist of at least three teachers, as defined in subsection 4, and may
31 consist of, without limitation, parents and representatives of
32 nonprofit organizations and businesses. A majority of the members
33 of the governing body must reside in this state. If the membership of
34 the governing body changes, the governing body shall provide
35 written notice to the sponsor of the charter school within 10 working
36 days after such change. A person may serve on the governing body
37 only if he submits an affidavit to the Department indicating that the
38 person has not been convicted of a felony *relating to serving on the*
39 *governing body of a charter school* or any offense involving moral
40 turpitude.

41 2. The governing body of a charter school is a public body. It is
42 hereby given such reasonable and necessary powers, not conflicting
43 with the Constitution and the laws of the State of Nevada, as may be
44 requisite to attain the ends for which the charter school is



1 established and to promote the welfare of pupils who are enrolled in
2 the charter school.

3 3. The governing body of a charter school shall, during each
4 calendar quarter, hold at least one regularly scheduled public
5 meeting in the county in which the charter school is located.

6 4. As used in subsection 1, "teacher" means a person who:

7 (a) Holds a current license to teach issued pursuant to chapter
8 391 of NRS; and

9 (b) Has at least 2 years of experience as an employed
10 teacher.

11 The term does not include a person who is employed as a substitute
12 teacher.

13 **Sec. 21.** NRS 391.312 is hereby amended to read as follows:

14 391.312 1. A teacher may be suspended, dismissed or not
15 reemployed and an administrator may be demoted, suspended,
16 dismissed or not reemployed for the following reasons:

17 (a) Inefficiency;

18 (b) Immorality;

19 (c) Unprofessional conduct;

20 (d) Insubordination;

21 (e) Neglect of duty;

22 (f) Physical or mental incapacity;

23 (g) A justifiable decrease in the number of positions due to
24 decreased enrollment or district reorganization;

25 (h) Conviction of a felony *relating to the position of the teacher*
26 *or administrator* or of a crime involving moral turpitude;

27 (i) Inadequate performance;

28 (j) Evident unfitness for service;

29 (k) Failure to comply with such reasonable requirements as a
30 board may prescribe;

31 (l) Failure to show normal improvement and evidence of
32 professional training and growth;

33 (m) Advocating overthrow of the Government of the United
34 States or of the State of Nevada by force, violence or other unlawful
35 means, or the advocating or teaching of communism with the intent
36 to indoctrinate pupils to subscribe to communistic philosophy;

37 (n) Any cause which constitutes grounds for the revocation of a
38 teacher's license;

39 (o) Willful neglect or failure to observe and carry out the
40 requirements of this title;

41 (p) Dishonesty;

42 (q) Breaches in the security or confidentiality of the questions
43 and answers of the achievement and proficiency examinations that
44 are administered pursuant to NRS 389.015;



1 (r) Intentional failure to observe and carry out the requirements
2 of a plan to ensure the security of examinations adopted pursuant to
3 NRS 389.616 or 389.620; or

4 (s) An intentional violation of NRS 388.5265 or 388.527.

5 2. In determining whether the professional performance of a
6 licensed employee is inadequate, consideration must be given to the
7 regular and special evaluation reports prepared in accordance with
8 the policy of the employing school district and to any written
9 standards of performance which may have been adopted by the
10 board.

11 **Sec. 22.** NRS 391.314 is hereby amended to read as follows:

12 391.314 1. If a superintendent has reason to believe that
13 cause exists for the dismissal of a licensed employee and he is of the
14 opinion that the immediate suspension of the employee is necessary
15 in the best interests of the pupils in the district, the superintendent
16 may suspend the employee without notice and without a hearing.
17 Notwithstanding the provisions of NRS 391.312, a superintendent
18 may suspend a licensed employee who has been officially charged
19 but not yet convicted of a felony *relating to the position of the*
20 *licensed employee* or a crime involving moral turpitude or
21 immorality. If the charge is dismissed or if the employee is found
22 not guilty, he must be reinstated with back pay, plus interest, and
23 normal seniority. The superintendent shall notify the employee in
24 writing of the suspension.

25 2. Within 5 days after a suspension becomes effective, the
26 superintendent shall begin proceedings pursuant to the provisions of
27 NRS 391.312 to 391.3196, inclusive, to effect the employee's
28 dismissal. The employee is entitled to continue to receive his salary
29 and other benefits after the suspension becomes effective until the
30 date on which the dismissal proceedings are commenced. The
31 superintendent may recommend that an employee who has been
32 charged with a felony or a crime involving immorality be dismissed
33 for another ground set forth in NRS 391.312.

34 3. If sufficient grounds for dismissal do not exist, the employee
35 must be reinstated with full compensation, plus interest.

36 4. A licensed employee who furnishes to the school district a
37 bond or other security which is acceptable to the board as a
38 guarantee that he will repay any amounts paid to him pursuant to
39 this subsection as salary during a period of suspension is entitled to
40 continue to receive his salary from the date on which the dismissal
41 proceedings are commenced until the decision of the board or the
42 report of the hearing officer, if the report is final and binding. The
43 board shall not unreasonably refuse to accept security other than a
44 bond. An employee who receives salary pursuant to this subsection



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1 shall repay it if he is dismissed or not reemployed as a result of a
2 decision of the board or a report of a hearing officer.

3 5. A licensed employee who is convicted of a crime which
4 requires registration pursuant to NRS 179D.200 to 179D.290,
5 inclusive, or 179D.350 to 179D.550, inclusive, or is convicted of an
6 act forbidden by NRS 200.508, 201.190 or 201.265 forfeits all rights
7 of employment from the date of his arrest.

8 6. A licensed employee who is convicted of ~~any crime~~ a
9 *felony relating to the position of the licensed employee* and who is
10 sentenced to and serves any sentence of imprisonment forfeits all
11 rights of employment from the date of his arrest or the date on
12 which his employment terminated, whichever is later.

13 7. A licensed employee who is charged with a felony *relating*
14 *to the position of a licensed employee* or a crime involving
15 immorality or moral turpitude and who waives his right to a speedy
16 trial while suspended may receive no more than 12 months of back
17 pay and seniority upon reinstatement if he is found not guilty or the
18 charges are dismissed, unless proceedings have been begun to
19 dismiss the employee upon one of the other grounds set forth in
20 NRS 391.312.

21 8. A superintendent may discipline a licensed employee by
22 suspending the employee with loss of pay at any time after a hearing
23 has been held which affords the due process provided for in this
24 chapter. The grounds for suspension are the same as the grounds
25 contained in NRS 391.312. An employee may be suspended more
26 than once during the employee's contract year, but the total number
27 of days of suspension may not exceed 20 in 1 contract year. Unless
28 circumstances require otherwise, the suspensions must be
29 progressively longer.

30 **Sec. 23.** NRS 391.330 is hereby amended to read as follows:

31 391.330 The State Board may suspend or revoke the license of
32 any teacher, administrator or other licensed employee, after notice
33 and an opportunity for hearing have been provided pursuant to NRS
34 391.322 and 391.323, for:

- 35 1. Immoral or unprofessional conduct.
- 36 2. Evident unfitness for service.
- 37 3. Physical or mental incapacity which renders the teacher,
38 administrator or other licensed employee unfit for service.
- 39 4. Conviction of a felony *relating to the position of the*
40 *teacher, administrator or other licensed employee* or *any* crime
41 involving moral turpitude.
- 42 5. Conviction of a sex offense under NRS 200.366, 200.368,
43 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a
44 school of a county school district was the victim.



1 6. Knowingly advocating the overthrow of the Federal
2 Government or of the State of Nevada by force, violence or
3 unlawful means.

4 7. Persistent defiance of or refusal to obey the regulations of
5 the State Board, the Commission or the Superintendent of Public
6 Instruction, defining and governing the duties of teachers,
7 administrators and other licensed employees.

8 8. Breaches in the security or confidentiality of the questions
9 and answers of the achievement and proficiency examinations that
10 are administered pursuant to NRS 389.015.

11 9. Intentional failure to observe and carry out the requirements
12 of a plan to ensure the security of examinations adopted pursuant to
13 NRS 389.616 or 389.620.

14 10. An intentional violation of NRS 388.5265 or 388.527.

15 **Sec. 24.** NRS 398.460 is hereby amended to read as follows:

16 398.460 1. Except as otherwise provided in subsection 2, the
17 Secretary of State shall issue a certificate of registration to a natural
18 person who complies with NRS 398.452 or whose application has
19 been accepted under NRS 398.456.

20 2. The Secretary of State may refuse to issue a certificate of
21 registration if he determines that the applicant has engaged in
22 conduct that has a significant adverse effect on his fitness to act as
23 an athlete's agent. In making this determination, the Secretary of
24 State may consider whether the applicant has:

25 (a) Been convicted of a crime that, if committed in this state,
26 would be a crime involving moral turpitude or a felony ~~relating~~ *relating*
27 *to his fitness to act as an athlete's agent;*

28 (b) Made a materially false, misleading, deceptive or fraudulent
29 representation in his application or as an athlete's agent;

30 (c) Engaged in conduct that would disqualify him from serving
31 in a fiduciary capacity;

32 (d) Engaged in conduct prohibited by NRS 398.496;

33 (e) Had registration or licensure as an athlete's agent suspended,
34 revoked or denied, or been refused renewal of registration or
35 licensure as an athlete's agent, in any state;

36 (f) Engaged in conduct whose consequence was that a sanction,
37 suspension or declaration of ineligibility to participate in an
38 interscholastic or intercollegiate athletic event was imposed on a
39 student athlete or an institution; or

40 (g) Engaged in conduct that significantly adversely reflects on
41 his credibility, honesty or integrity.

42 3. In making a determination pursuant to subsection 2, the
43 Secretary of State shall consider:

44 (a) How recently the conduct occurred;



1 (b) The nature of the conduct and the context in which it
2 occurred; and

3 (c) Any other relevant conduct of the applicant.

4 **Sec. 25.** NRS 463.335 is hereby amended to read as follows:

5 463.335 1. The Legislature finds that, to protect and promote
6 the health, safety, morals, good order and general welfare of the
7 inhabitants of the State of Nevada and to carry out the policy
8 declared in NRS 463.0129, it is necessary that the Board:

9 (a) Ascertain and keep itself informed of the identity, prior
10 activities and present location of all gaming employees and
11 independent agents in the State of Nevada; and

12 (b) Maintain confidential records of such information.

13 2. Except as otherwise provided in subsection 3, a person may
14 not be employed as a gaming employee or serve as an independent
15 agent unless he is the holder of a valid work permit to work as a
16 gaming employee issued pursuant to this section. A work permit to
17 work as a gaming employee may be issued by the Board or by a
18 county or city licensing authority. An applicant for a work permit
19 shall file his application for a work permit with the licensing
20 authority of the city in which he resides if that city requires a work
21 permit. If the city in which he resides does not require such a permit,
22 the applicant shall file his application with the licensing authority of
23 the county in which he resides if that county requires a work permit.
24 If the county in which he resides does not require such a permit, the
25 applicant shall file his application with the Board. The Board shall,
26 by regulation, prescribe the form for an application for a work
27 permit to work as a gaming employee. The fee for such a permit
28 may be charged only to cover the actual investigative and
29 administrative costs related to processing an application for such a
30 permit and must not exceed \$75.

31 3. An independent agent is not required to hold a work permit
32 if he is not a resident of this state and has registered with the Board
33 in accordance with the provisions of the regulations adopted by the
34 Commission.

35 4. Upon receipt of an application for a work permit to work as
36 a gaming employee, the Board or licensing authority shall conduct
37 an investigation of the applicant to determine whether he is eligible
38 for the permit. In conducting the investigation, the Board or
39 licensing authority shall forward a complete set of the applicant's
40 fingerprints to the Central Repository for Nevada Records of
41 Criminal History for submission to the Federal Bureau of
42 Investigation for a report concerning the criminal history of the
43 applicant. The investigation need not be limited solely to
44 consideration of the results of the report concerning the criminal
45 history of the applicant.



1 5. A work permit issued to a gaming employee or an
2 independent agent must have clearly imprinted thereon a statement
3 that it is valid for gaming purposes only.

4 6. Unless denied or objected to by the Board at the time that
5 the permittee filed a notice of a change in his place of employment
6 pursuant to subsection 8 and unless suspended or revoked, such a
7 permit expires on the fifth anniversary of the permittee's birthday,
8 measured from the birthday nearest the date of issuance or renewal.
9 If the date of birth of a permittee is on February 29 in a leap year,
10 for the purposes of this section, his date of birth shall be deemed to
11 be on February 28.

12 7. Whenever any person applies to a county or city licensing
13 authority for the issuance or renewal of a work permit, the county or
14 city officer or employee to whom the application is made shall
15 within 24 hours mail or deliver a copy thereof to the Board, and may
16 at the discretion of the county or city licensing authority issue a
17 temporary work permit that is valid for 120 days. If within 120 days
18 after receipt by the Board of the copy of the application, the Board
19 has not notified the county or city licensing authority of any
20 objection, the authority may issue, renew or deny a permanent work
21 permit to the applicant.

22 8. A gaming employee who is issued a work permit is eligible
23 for employment in any licensed gaming establishment in this state
24 until the work permit is denied or objected to by the Board, expires
25 or is revoked. However, each such employee shall notify the Board
26 within 10 days following any change of his place of employment at
27 a gaming establishment. Such a notification shall be deemed an
28 application for a work permit that the Board may deny or object to
29 after conducting any investigations the Board deems appropriate.
30 The provisions of subsections 9 to 16, inclusive, apply to any such
31 objection of the Board. The Commission shall adopt regulations to:

32 (a) Facilitate uniform procedures for the issuance of work
33 permits by counties and cities;

34 (b) Establish uniform criteria for denial by a county or city
35 licensing authority of an application for a work permit; and

36 (c) Provide for the creation and maintenance of a system of
37 records that contain information regarding the current place of
38 employment of each person who possesses a valid work permit.

39 9. If the Board, within the 120-day period, notifies:

40 (a) The county or city licensing authority; and

41 (b) The applicant,

42 that the Board objects to the granting of a work permit to the
43 applicant, the authority shall deny the work permit and shall
44 immediately revoke and repossess any temporary work permit
45 which it may have issued. The notice of objection by the Board



1 which is sent to the applicant must include a statement of the facts
2 upon which the Board relied in making its objection.

3 10. Whenever an application for a work permit is made to the
4 Board and the Board denies such an application, it shall include in
5 its notice of the denial a statement of the facts upon which it relied
6 in denying the application.

7 11. Any person whose application for a work permit has been
8 denied because of an objection by the Board or whose application
9 has been denied by the Board may, not later than 60 days after
10 receiving notice of the denial or objection, apply to the Board for a
11 hearing. A failure of a person whose application has been denied to
12 apply for a hearing within 60 days or his failure to appear at a
13 hearing of the Board conducted pursuant to this section shall be
14 deemed to be an admission that the denial or objection is well-
15 founded, and the failure precludes administrative or judicial review.
16 At the hearing, the Board shall take any testimony deemed
17 necessary. After the hearing, the Board shall review the testimony
18 taken and any other evidence, and shall within 45 days after the date
19 of the hearing mail to the applicant its decision sustaining or
20 reversing the denial of the work permit or the objection to the
21 issuance of a work permit.

22 12. The Board may object to the issuance of a work permit or
23 may refuse to issue a work permit for any cause deemed reasonable
24 by the Board. The Board may object or refuse if the applicant has:

25 (a) Failed to disclose or misstated information or otherwise
26 attempted to mislead the Board with respect to any material fact
27 contained in the application for the issuance or renewal of a work
28 permit;

29 (b) Knowingly failed to comply with the provisions of this
30 chapter or chapter 463B, 464 or 465 of NRS or the regulations of
31 the Commission at a place of previous employment;

32 (c) Committed, attempted or conspired to commit any crime of
33 moral turpitude, embezzlement or larceny or any violation of any
34 law pertaining to gaming, or any crime which is inimical to the
35 declared policy of this state concerning gaming;

36 (d) Committed, attempted or conspired to commit a crime which
37 is a felony or gross misdemeanor in this state or an offense in
38 another state or jurisdiction which would be a felony or gross
39 misdemeanor if committed in this state ~~and~~ *and which relates to the*
40 *applicant's suitability or qualifications to work as a gaming*
41 *employee;*

42 (e) Been identified in the published reports of any federal or
43 state legislative or executive body as being a member or associate of
44 organized crime, or as being of notorious and unsavory reputation;



1 (f) Been placed and remains in the constructive custody of any
2 federal, state or municipal law enforcement authority; or

3 (g) Had a work permit revoked or committed any act which is a
4 ground for the revocation of a work permit or would have been a
5 ground for revoking his work permit if he had then held a work
6 permit.

7 If the Board issues or does not object to the issuance of a work
8 permit to an applicant, it may specially limit the period for which
9 the permit is valid, limit the job classifications for which the holder
10 of the permit may be employed and establish such individual
11 conditions for the issuance, renewal and effectiveness of the permit
12 as the Board deems appropriate, including required submission to
13 unscheduled tests for the presence of alcohol or controlled
14 substances.

15 13. Any applicant aggrieved by the decision of the Board may,
16 within 15 days after the announcement of the decision, apply in
17 writing to the Commission for review of the decision. Review is
18 limited to the record of the proceedings before the Board. The
19 Commission may sustain, modify or reverse the Board's decision.
20 The decision of the Commission is subject to judicial review
21 pursuant to NRS 463.315 to 463.318, inclusive.

22 14. Except as otherwise provided in this subsection, all records
23 acquired or compiled by the Board or Commission relating to any
24 application made pursuant to this section and all lists of persons to
25 whom work permits have been issued or denied and all records of
26 the names or identity of persons engaged in the gaming industry in
27 this state are confidential and must not be disclosed except in the
28 proper administration of this chapter or to an authorized law
29 enforcement agency. Upon receipt of a request from the Welfare
30 Division of the Department of Human Resources pursuant to NRS
31 425.400 for information relating to a specific person who has
32 applied for or holds a work permit, the Board shall disclose to the
33 Division his social security number, residential address and current
34 employer as that information is listed in the files and records of the
35 Board. Any record of the Board or Commission which shows that
36 the applicant has been convicted of a crime in another state must
37 show whether the crime was a misdemeanor, gross misdemeanor,
38 felony or other class of crime as classified by the state in which the
39 crime was committed. In a disclosure of the conviction, reference to
40 the classification of the crime must be based on the classification in
41 the state where it was committed.

42 15. The Chairman of the Board may designate a member of the
43 Board or the Board may appoint a hearing examiner and authorize
44 that person to perform on behalf of the Board any of the following



1 functions required of the Board by this section concerning work
2 permits:

- 3 (a) Conducting a hearing and taking testimony;
- 4 (b) Reviewing the testimony and evidence presented at the
5 hearing;
- 6 (c) Making a recommendation to the Board based upon the
7 testimony and evidence or rendering a decision on behalf of
8 the Board to sustain or reverse the denial of a work permit or the
9 objection to the issuance or renewal of a work permit; and
- 10 (d) Notifying the applicant of the decision.

11 16. Notice by the Board as provided pursuant to this section is
12 sufficient if it is mailed to the applicant's last known address as
13 indicated on the application for a work permit, or the record of the
14 hearing, as the case may be. The date of mailing may be proven by a
15 certificate signed by an officer or employee of the Board which
16 specifies the time the notice was mailed. The notice shall be deemed
17 to have been received by the applicant 5 days after it is deposited
18 with the United States Postal Service with the postage thereon
19 prepaid.

20 **Sec. 26.** NRS 489.421 is hereby amended to read as follows:

21 489.421 The following grounds, among others, constitute
22 grounds for disciplinary action under NRS 489.381:

- 23 1. Revocation or denial of a license issued pursuant to this
24 chapter or an equivalent license in any other state, territory or
25 country.
- 26 2. Failure of the licensee to maintain any other license required
27 by any political subdivision of this state.
- 28 3. Failure to respond to a notice served by the Division as
29 provided by law within the time specified in the notice.
- 30 4. Failure to take the corrective action required in a notice of
31 violation issued pursuant to NRS 489.291.
- 32 5. Failure or refusing to permit access by the Administrator to
33 documentary materials set forth in NRS 489.231.
- 34 6. Disregarding or violating any order of the Administrator,
35 any agreement with the Division, or any provision of this chapter or
36 any regulation adopted under it.
- 37 7. Conviction of a misdemeanor for violation of any of the
38 provisions of this chapter.
- 39 8. Conviction of or entering a plea of guilty, guilty but
40 mentally ill or nolo contendere to **[a]**:

41 (a) A felony *relating to the position for which the applicant*
42 *has applied or the licensee has been licensed pursuant to this*
43 *chapter; or [a]*

44 (b) A crime of moral turpitude in this state or any other state,
45 territory or country.



1 9. Any other conduct that constitutes deceitful, fraudulent or
2 dishonest dealing.

3 **Sec. 27.** NRS 611.045 is hereby amended to read as follows:

4 611.045 1. The Labor Commissioner may issue a license to an
5 applicant for the conduct of an employment agency:

6 (a) After making an investigation of the applicant and finding
7 that he is of good moral character and has not been convicted of a
8 felony *relating to the conduct of an employment agency* or any
9 offense involving moral turpitude;

10 (b) After making an investigation of the premises where the
11 proposed employment agency will be conducted and finding that the
12 premises are suitable for the purpose;

13 (c) Upon determining that the applicant is a resident of this
14 state; and

15 (d) Upon the applicant's payment of the licensing fee prescribed
16 in NRS 611.060.

17 2. The Labor Commissioner shall complete his investigation of
18 the applicant within 60 days after such applicant has submitted his
19 application.

20 3. A license to conduct an employment agency is valid only as
21 to the person and place named in the license and is effective from
22 the date specified therein to and including the next following
23 December 31, unless sooner suspended or revoked.

24 4. Annually at least 15 days prior to the expiration date of the
25 license, the licensee must apply for renewal in the manner
26 prescribed by regulation of the Labor Commissioner. Pending
27 administrative action on a renewal application, the license may be
28 continued in effect for a period not to exceed 60 days beyond the
29 expiration date of the license.

30 **Sec. 28.** NRS 623A.065 is hereby amended to read as follows:

31 623A.065 For the purposes of this chapter, a person has good
32 moral character if he:

33 1. ~~Has not been convicted of a class A felony;~~
34 ~~—2.]~~ Has not been convicted of a felony, ~~other than a class A~~
35 ~~felony or a~~ misdemeanor or gross misdemeanor that is directly
36 related to the practice of landscape architecture;

37 ~~3.]~~ 2. Has not committed an act involving dishonesty, fraud,
38 misrepresentation, breach of a fiduciary duty, gross negligence or
39 incompetence while engaged in the practice of landscape
40 architecture;

41 ~~4.]~~ 3. Is not incarcerated in a jail or prison at the time of
42 submitting an application for a certificate of registration or a
43 certificate to practice as a landscape architect intern;

44 ~~5.]~~ 4. Has not committed fraud or misrepresentation in
45 connection with:



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1 (a) The submission of an application for a certificate of
2 registration or certificate to practice as a landscape architect intern;
3 or

4 (b) The taking of one or more examinations pursuant to the
5 provisions of this chapter;

6 ~~{6-}~~ 5. Has not had his certificate of registration suspended or
7 revoked by the Board or in any other state or country;

8 ~~{7-}~~ 6. Has not, in lieu of receiving disciplinary action against
9 him, surrendered a certificate of registration or certificate to practice
10 as a landscape architect intern in this state or a certificate or license
11 to practice landscape architecture issued in another state or country;

12 ~~{8-}~~ 7. Has not engaged in the practice of landscape
13 architecture in this state or in any other state or country without a
14 license or certificate of registration or certificate to practice as a
15 landscape architect intern within the 2 years immediately preceding
16 the filing of an application for a certificate of registration or
17 certificate to practice as a landscape architect intern pursuant to the
18 provisions of this chapter; or

19 ~~{9-}~~ 8. Has not, within the 5 years immediately preceding the
20 filing of an application specified in subsection ~~{8-}~~ 7, engaged in
21 unprofessional conduct in violation of the regulations adopted by the
22 Board.

23 **Sec. 29.** NRS 623A.280 is hereby amended to read as follows:

24 623A.280 1. The following acts, among others, constitute
25 cause for disciplinary action if proof satisfactory to the Board is
26 presented that:

27 (a) A holder of a certificate of registration has signed or sealed
28 instruments of service which were not prepared by him or under his
29 direct supervision.

30 (b) A holder of a certificate of registration has permitted the use
31 of his signature or seal by another person to evade the provisions of
32 this chapter or any regulation adopted by the Board.

33 (c) A holder of a certificate of registration has not signed, sealed
34 or dated instruments of service prepared by him.

35 (d) A holder of a certificate of registration or certificate to
36 practice as a landscape architect intern impersonates a landscape
37 architect or landscape architect intern of the same or similar name.

38 (e) A holder of a certificate of registration or certificate to
39 practice as a landscape architect intern practices under an assumed,
40 fictitious or corporate name.

41 (f) A holder of a certificate of registration or certificate to
42 practice as a landscape architect intern practices landscape
43 architecture in violation of the provisions of this chapter or any
44 regulation adopted by the Board.



1 (g) A holder of a certificate of registration or certificate to
2 practice as a landscape architect intern has obtained his certificate of
3 registration or certificate to practice as a landscape architect intern
4 by fraud or misrepresentation.

5 (h) A holder of a certificate of registration or certificate to
6 practice as a landscape architect intern is guilty of fraud or deceit in
7 the practice of landscape architecture.

8 (i) A holder of a certificate of registration or certificate to
9 practice as a landscape architect intern is guilty of incompetency,
10 negligence or gross negligence.

11 (j) A holder of a certificate of registration or certificate to
12 practice as a landscape architect intern is convicted of, or enters a
13 plea of nolo contendere to ~~f~~:

14 ~~(1) Any felony; or~~
15 ~~(2) Any] any~~ crime, an essential element of which is
16 dishonesty, or which is directly related to the practice of landscape
17 architecture.

18 (k) A holder of a certificate of registration or certificate to
19 practice as a landscape architect intern is guilty of aiding or abetting
20 any person in the violation of the provisions of this chapter or any
21 regulation adopted by the Board.

22 (l) A person practices as a landscape architect with a certificate
23 of registration or certificate to practice as a landscape architect
24 intern that has expired or has been suspended or revoked.

25 (m) A holder of a certificate of registration or certificate to
26 practice as a landscape architect intern is disciplined by an agency
27 of another state or foreign country which regulates the practice of
28 landscape architecture and at least one of the grounds for the
29 disciplinary action taken is a ground for disciplinary action pursuant
30 to the provisions of this chapter.

31 (n) A holder of a certificate of registration or certificate to
32 practice as a landscape architect intern fails to comply with an order
33 issued by the Board or to cooperate in an investigation conducted by
34 the Board.

35 2. As used in this section:

36 (a) "Gross negligence" means conduct that demonstrates a
37 reckless disregard of the consequences affecting the life or property
38 of another person.

39 (b) "Incompetency" means conduct that, in the practice of
40 landscape architecture, demonstrates a significant lack of ability,
41 knowledge or fitness to discharge a professional obligation.

42 (c) "Negligence" means a deviation from the normal standard of
43 professional care exercised generally by other members in the
44 practice of landscape architecture.



1 **Sec. 30.** NRS 624.3016 is hereby amended to read as follows:
2 624.3016 The following acts or omissions, among others,
3 constitute cause for disciplinary action under NRS 624.300:

4 1. Any fraudulent or deceitful act committed in the capacity of
5 a contractor.

6 2. A conviction of a violation of NRS 624.730, ~~or~~ a felony
7 *relating to the practice of a contractor* or a crime involving moral
8 turpitude.

9 3. Knowingly making a false statement in or relating to the
10 recording of a notice of lien pursuant to the provisions of
11 NRS 108.226.

12 4. Failure to give a notice required by NRS 108.245 or
13 108.246.

14 5. Failure to comply with NRS 597.713, 597.716 or 597.719 or
15 any regulations of the Board governing contracts for the
16 construction of residential pools and spas.

17 6. Failure to comply with NRS 624.600.

18 7. Misrepresentation or the omission of a material fact, or the
19 commission of any other fraudulent or deceitful act, to obtain a
20 license.

21 8. Failure to pay an assessment required pursuant to
22 NRS 624.470.

23 **Sec. 31.** NRS 625.410 is hereby amended to read as follows:

24 625.410 The Board may take disciplinary action against a
25 licensee, an applicant for licensure, an intern or an applicant for
26 certification as an intern for:

27 1. The practice of any fraud or deceit in obtaining or
28 attempting to obtain or renew a license or cheating on any
29 examination required by this chapter.

30 2. Any gross negligence, incompetency or misconduct in the
31 practice of professional engineering as a professional engineer or in
32 the practice of land surveying as a professional land surveyor.

33 3. Aiding or abetting any person in the violation of any
34 provision of this chapter or regulation adopted by the Board.

35 4. Conviction of or entry of a plea of nolo contendere to ~~f~~

36 ~~(a) Any felony; or~~

37 ~~(b) Any] any~~ crime, an essential element of which is dishonesty,
38 or which is directly related to the practice of engineering or land
39 surveying.

40 5. A violation of any provision of this chapter or regulation
41 adopted by the Board.

42 6. Discipline by another state or territory, the District of
43 Columbia, a foreign country, the Federal Government or any other
44 governmental agency, if at least one of the grounds for discipline is



1 the same or substantially equivalent to any ground contained in this
2 chapter.

3 7. Practicing after the license of the professional engineer or
4 professional land surveyor has expired or has been suspended or
5 revoked.

6 8. Failing to comply with an order issued by the Board.

7 9. Failing to provide requested information within 30 days after
8 receipt of a request by the Board or its investigators concerning a
9 complaint made to the Board.

10 **Sec. 32.** NRS 625A.160 is hereby amended to read as follows:
11 625A.160 The grounds for initiating disciplinary action under
12 this chapter are:

13 1. Unprofessional conduct;

14 2. Conviction of a felony *relating to the practice of an*
15 *environmental health specialist* or any offense involving moral
16 turpitude;

17 3. The suspension or revocation of a certificate or license as an
18 environmental health specialist by any other jurisdiction; or

19 4. Failure to meet the requirements for continuing education.

20 **Sec. 33.** NRS 628.190 is hereby amended to read as follows:

21 628.190 1. Except as otherwise provided in this section and
22 NRS 628.310, a certificate of certified public accountant must be
23 granted by the Board to any person who:

24 (a) Is a resident of this state or, if not a resident, has designated
25 to the Board an agent who is a resident for notification and service
26 of process;

27 (b) Is a person who is without any history of acts involving
28 dishonesty or moral turpitude;

29 (c) Complies with the requirements of education and experience
30 as provided in NRS 628.200;

31 (d) Has submitted to the Board a complete set of his fingerprints
32 and written permission authorizing the Board to forward the
33 fingerprints to the Central Repository for Nevada Records of
34 Criminal History for submission to the Federal Bureau of
35 Investigation for its report; and

36 (e) Has passed the examination prescribed by the Board.

37 2. The Board may refuse to grant a certificate of certified
38 public accountant to an applicant if he has been convicted of a
39 felony *relating to the practice of a certified public accountant*
40 under the laws of any state or of the United States.

41 3. The Board may issue a provisional certificate to an applicant
42 until the Board receives the report from the Federal Bureau of
43 Investigation.



1 **Sec. 34.** NRS 628.390 is hereby amended to read as follows:
2 628.390 1. After giving notice and conducting a hearing, the
3 Board may revoke, or may suspend for a period of not more than 5
4 years, any certificate issued under NRS 628.190 to 628.310,
5 inclusive, any registration or license granted to a registered public
6 accountant under NRS 628.350, or any registration of a partnership,
7 corporation, limited-liability company or office, or may revoke,
8 suspend or refuse to renew any permit issued under NRS 628.380,
9 or may censure the holder of any permit, for any one or any
10 combination of the following causes:
11 (a) Fraud or deceit in obtaining a certificate as a certified public
12 accountant, or in obtaining registration or a license as a public
13 accountant under this chapter, or in obtaining a permit to practice
14 public accounting under this chapter.
15 (b) Dishonesty, fraud or gross negligence by a certified or
16 registered public accountant in the practice of public accounting or,
17 if not in the practice of public accounting, of a kind which adversely
18 affects the ability to perform public accounting.
19 (c) Violation of any of the provisions of this chapter.
20 (d) Violation of a regulation or rule of professional conduct
21 adopted by the Board under the authority granted by this chapter.
22 (e) Conviction of a felony under the laws of any state or of the
23 United States ~~+~~ *relating to the practice of public accounting.*
24 (f) Conviction of any crime, an element of which is dishonesty
25 or fraud, under the laws of any state or of the United States.
26 (g) Cancellation, revocation, suspension or refusal to renew
27 authority to practice as a certified public accountant or a registered
28 public accountant by any other state, for any cause other than failure
29 to pay an annual registration fee or to comply with requirements for
30 continuing education or review of his practice in the other state.
31 (h) Suspension or revocation of the right to practice before any
32 state or federal agency.
33 (i) Unless the person has been placed on inactive or retired
34 status, failure to obtain an annual permit under NRS 628.380,
35 within:
36 (1) Sixty days after the expiration date of the permit to
37 practice last obtained or renewed by the holder of a certificate or
38 registrant; or
39 (2) Sixty days after the date upon which the holder of a
40 certificate or registrant was granted his certificate or registration, if
41 no permit was ever issued to him, unless the failure has been
42 excused by the Board.
43 (j) Conduct discreditable to the profession of public accounting
44 or which reflects adversely upon the fitness of the person to engage
45 in the practice of public accounting.



1 (k) Making a false or misleading statement in support of an
2 application for a certificate, registration or permit of another person.

3 2. After giving notice and conducting a hearing, the Board may
4 deny an application to take the examination prescribed by the Board
5 pursuant to NRS 628.190, deny a person admission to such an
6 examination, invalidate a grade received for such an examination or
7 deny an application for a certificate issued pursuant to NRS 628.190
8 to 628.310, inclusive, to a person who has:

9 (a) Made any false or fraudulent statement, or any misleading
10 statement or omission relating to a material fact in an application:

11 (1) To take the examination prescribed by the Board pursuant
12 to NRS 628.190; or

13 (2) For a certificate issued pursuant to NRS 628.190 to
14 628.310, inclusive;

15 (b) Cheated on an examination prescribed by the Board pursuant
16 to NRS 628.190 or any such examination taken in another state or
17 jurisdiction of the United States;

18 (c) Aided, abetted or conspired with any person in a violation of
19 the provisions of paragraph (a) or (b); or

20 (d) Committed any combination of the acts set forth in
21 paragraphs (a), (b) and (c).

22 3. In addition to other penalties prescribed by this section, the
23 Board may impose a civil penalty of not more than \$5,000 for each
24 violation of this section. The Board may recover:

25 (a) Attorney's fees and costs incurred with respect to a hearing
26 held pursuant to this section from a person who is found in violation
27 of any of the provisions of this section;

28 (b) Attorney's fees and costs incurred in the recovery of a civil
29 penalty imposed pursuant to this section; and

30 (c) Any other costs incurred by the Board as a result of such a
31 violation.

32 **Sec. 35.** NRS 630.301 is hereby amended to read as follows:

33 630.301 The following acts, among others, constitute grounds
34 for initiating disciplinary action or denying licensure:

35 1. Conviction of ~~fa felony,~~ any offense involving moral
36 turpitude or any offense relating to the practice of medicine or the
37 ability to practice medicine. A plea of nolo contendere is a
38 conviction for the purposes of this subsection.

39 2. Conviction of violating any of the provisions of NRS
40 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350
41 to 616D.440, inclusive.

42 3. The revocation, suspension, modification or limitation of the
43 license to practice any type of medicine by any other jurisdiction or
44 the surrender of the license or discontinuing the practice of medicine
45 while under investigation by any licensing authority, a medical



1 facility, a branch of the Armed Services of the United States, an
2 insurance company, an agency of the Federal Government or an
3 employer.

4 4. Malpractice, which may be evidenced by claims settled
5 against a practitioner.

6 5. The engaging by a practitioner in any sexual activity with a
7 patient who is currently being treated by the practitioner.

8 6. Disruptive behavior with physicians, hospital personnel,
9 patients, members of the families of patients or any other persons if
10 the behavior interferes with patient care or has an adverse impact on
11 the quality of care rendered to a patient.

12 7. The engaging in conduct that violates the trust of a patient
13 and exploits the relationship between the physician and the patient
14 for financial or other personal gain.

15 8. The failure to offer appropriate procedures or studies, to
16 protest inappropriate denials by organizations for managed care, to
17 provide necessary services or to refer a patient to an appropriate
18 provider, when such a failure occurs with the intent of positively
19 influencing the financial well-being of the practitioner or an insurer.

20 9. The engaging in conduct that brings the medical profession
21 into disrepute, including, without limitation, conduct that violates
22 any provision of a national code of ethics adopted by the Board by
23 regulation.

24 10. The engaging in sexual contact with the surrogate of a
25 patient or other key persons related to a patient, including, without
26 limitation, a spouse, parent or legal guardian, which exploits the
27 relationship between the physician and the patient in a sexual
28 manner.

29 **Sec. 36.** NRS 630A.340 is hereby amended to read as follows:

30 630A.340 The following acts, among others, constitute
31 grounds for initiating disciplinary action or denying the issuance of
32 a license:

33 1. Unprofessional conduct.

34 2. Conviction of:

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

38 (b) ~~A felony;~~

39 ~~(e)~~ A violation of any of the provisions of NRS 616D.200,
40 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to
41 616D.440, inclusive;

42 ~~(d)~~ (c) Any offense involving moral turpitude; or

43 ~~(e)~~ (d) Any offense relating to the practice of homeopathic
44 medicine or the ability to practice homeopathic medicine.



1 A plea of nolo contendere to any offense listed in ~~paragraph (a),~~
2 ~~(b), (c), (d) or (e)~~ *this subsection* shall be deemed a conviction.

3 3. The suspension, modification or limitation of a license to
4 practice any type of medicine by any other jurisdiction.

5 4. The surrender of a license to practice any type of medicine
6 or the discontinuance of the practice of medicine while under
7 investigation by any licensing authority, medical facility, facility for
8 the dependent, branch of the Armed Forces of the United States,
9 insurance company, agency of the Federal Government or employer.

10 5. Gross or repeated malpractice, which may be evidenced by
11 claims of malpractice settled against a practitioner.

12 6. Professional incompetence.

13 **Sec. 37.** NRS 632.320 is hereby amended to read as follows:

14 632.320 The Board may deny, revoke or suspend any license
15 or certificate applied for or issued pursuant to this chapter, or take
16 other disciplinary action against a licensee or holder of a certificate,
17 upon determining that he:

18 1. Is guilty of fraud or deceit in procuring or attempting to
19 procure a license or certificate pursuant to this chapter.

20 2. Is guilty of ~~a felony or~~ any offense:

21 (a) Involving moral turpitude; or

22 (b) Related to the qualifications, functions or duties of a licensee
23 or holder of a certificate,
24 in which case the record of conviction is conclusive evidence
25 thereof.

26 3. Has been convicted of violating any of the provisions of
27 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
28 inclusive.

29 4. Is unfit or incompetent by reason of gross negligence or
30 recklessness in carrying out usual nursing functions.

31 5. Uses any controlled substance, dangerous drug as defined in
32 chapter 454 of NRS, or intoxicating liquor to an extent or in a
33 manner which is dangerous or injurious to any other person or
34 which impairs his ability to conduct the practice authorized by his
35 license or certificate.

36 6. Is mentally incompetent.

37 7. Is guilty of unprofessional conduct, which includes, but is
38 not limited to, the following:

39 (a) Conviction of practicing medicine without a license in
40 violation of chapter 630 of NRS, in which case the record of
41 conviction is conclusive evidence thereof.

42 (b) Impersonating any applicant or acting as proxy for an
43 applicant in any examination required pursuant to this chapter for
44 the issuance of a license or certificate.



1 (c) Impersonating another licensed practitioner or holder of a
2 certificate.

3 (d) Permitting or allowing another person to use his license or
4 certificate to practice as a licensed practical nurse, registered nurse
5 or nursing assistant.

6 (e) Repeated malpractice, which may be evidenced by claims of
7 malpractice settled against him.

8 (f) Physical, verbal or psychological abuse of a patient.

9 (g) Conviction for the use or unlawful possession of a controlled
10 substance or dangerous drug as defined in chapter 454 of NRS.

11 8. Has willfully or repeatedly violated the provisions of this
12 chapter. The voluntary surrender of a license or certificate issued
13 pursuant to this chapter is prima facie evidence that the licensee or
14 certificate holder has committed or expects to commit a violation of
15 this chapter.

16 9. Is guilty of aiding or abetting any person in a violation of
17 this chapter.

18 10. Has falsified an entry on a patient's medical chart
19 concerning a controlled substance.

20 11. Has falsified information which was given to a physician,
21 pharmacist, podiatric physician or dentist to obtain a controlled
22 substance.

23 12. Has been disciplined in another state in connection with a
24 license to practice nursing or a certificate to practice as a nursing
25 assistant or has committed an act in another state which would
26 constitute a violation of this chapter.

27 13. Has engaged in conduct likely to deceive, defraud or
28 endanger a patient or the general public.

29 14. Has willfully failed to comply with a regulation, subpoena
30 or order of the Board.

31 For the purposes of this section, a plea or verdict of guilty or guilty
32 but mentally ill or a plea of nolo contendere constitutes a conviction
33 of an offense. The Board may take disciplinary action pending the
34 appeal of a conviction.

35 **Sec. 38.** NRS 633.511 is hereby amended to read as follows:

36 633.511 The grounds for initiating disciplinary action pursuant
37 to this chapter are:

38 1. Unprofessional conduct.

39 2. Conviction of:

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

43 (b) A felony **relating to the practice of osteopathic**
44 **medicine;**



- 1 (c) A violation of any of the provisions of NRS 616D.200,
2 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
3 (d) Any offense involving moral turpitude.
- 4 3. The suspension of the license to practice osteopathic
5 medicine by any other jurisdiction.
- 6 4. Gross or repeated malpractice, which may be evidenced by
7 claims of malpractice settled against a practitioner.
- 8 5. Professional incompetence.
- 9 6. Failure to comply with the requirements of NRS 633.526.
- 10 **Sec. 39.** NRS 634.140 is hereby amended to read as follows:
11 634.140 The grounds for initiating disciplinary action pursuant
12 to this chapter are:
- 13 1. Unprofessional conduct.
- 14 2. Conviction of:
- 15 (a) A violation of any federal or state law regulating the
16 possession, distribution or use of any controlled substance or any
17 dangerous drug as defined in chapter 454 of NRS;
- 18 (b) A felony ~~relating to the practice of chiropractic;~~
19 (c) A violation of any of the provisions of NRS 616D.200,
20 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
21 (d) Any offense involving moral turpitude.
- 22 3. Suspension or revocation of the license to practice
23 chiropractic by any other jurisdiction.
- 24 4. Gross or repeated malpractice.
- 25 5. Referring, in violation of NRS 439B.425, a patient to a
26 health facility, medical laboratory or commercial establishment in
27 which the licensee has a financial interest.
- 28 **Sec. 40.** NRS 634A.170 is hereby amended to read as follows:
29 634A.170 The Board may refuse to issue or may suspend or
30 revoke any license for any one or any combination of the following
31 causes:
- 32 1. Conviction of:
- 33 (a) A felony ~~relating to the practice of Oriental medicine;~~
34 (b) Any offense involving moral turpitude;
- 35 (c) A violation of any state or federal law regulating the
36 possession, distribution or use of any controlled substance, as shown
37 by a certified copy of the record of the court; or
38 (d) A violation of any of the provisions of NRS 616D.200,
39 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
- 40 2. The obtaining of or any attempt to obtain a license or
41 practice in the profession for money or any other thing of value, by
42 fraudulent misrepresentations;
- 43 3. Gross or repeated malpractice, which may be evidenced by
44 claims of malpractice settled against a practitioner;



- 1 4. Advertising by means of a knowingly false or deceptive
2 statement;
- 3 5. Advertising, practicing or attempting to practice under a
4 name other than one's own;
- 5 6. Habitual drunkenness or habitual addiction to the use of a
6 controlled substance;
- 7 7. Using any false, fraudulent or forged statement or document,
8 or engaging in any fraudulent, deceitful, dishonest or immoral
9 practice in connection with the licensing requirements of this
10 chapter;
- 11 8. Sustaining a physical or mental disability which renders
12 further practice dangerous;
- 13 9. Engaging in any dishonorable, unethical or unprofessional
14 conduct which may deceive, defraud or harm the public, or which is
15 unbecoming a person licensed to practice under this chapter;
- 16 10. Using any false or fraudulent statement in connection with
17 the practice of Oriental medicine or any branch thereof;
- 18 11. Violating or attempting to violate, or assisting or abetting
19 the violation of, or conspiring to violate any provision of this
20 chapter;
- 21 12. Being adjudicated incompetent or insane;
- 22 13. Advertising in an unethical or unprofessional manner;
- 23 14. Obtaining a fee or financial benefit for any person by the
24 use of fraudulent diagnosis, therapy or treatment;
- 25 15. Willful disclosure of a privileged communication;
- 26 16. Failure of a licensee to designate the nature of his practice
27 in the professional use of his name by the term doctor of Oriental
28 medicine;
- 29 17. Willful violation of the law relating to the health, safety or
30 welfare of the public or of the regulations adopted by the State
31 Board of Health;
- 32 18. Administering, dispensing or prescribing any controlled
33 substance, except for the prevention, alleviation or cure of disease or
34 for relief from suffering; and
- 35 19. Performing, assisting or advising in the injection of any
36 liquid silicone substance into the human body.
- 37 **Sec. 41.** NRS 636.295 is hereby amended to read as follows:
38 636.295 The following acts, conduct, omissions, or mental or
39 physical conditions, or any of them, committed, engaged in,
40 omitted, or being suffered by a licensee, constitute sufficient cause
41 for disciplinary action:
 - 42 1. Affliction of the licensee with any communicable disease
43 likely to be communicated to other persons.
 - 44 2. Commission by the licensee of a felony *relating to the*
45 *practice of optometry* or a gross misdemeanor involving moral



- 1 turpitude of which he has been convicted and from which he has
2 been sentenced by a final judgment of a federal or state court in this
3 or any other state, the judgment not having been reversed or vacated
4 by a competent appellate court and the offense not having been
5 pardoned by executive authority.
- 6 3. Conviction of any of the provisions of NRS 616D.200,
7 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
- 8 4. Commission of fraud by or on behalf of the licensee in
9 obtaining his license or a renewal thereof, or in practicing optometry
10 thereunder.
- 11 5. Habitual drunkenness or addiction to any controlled
12 substance.
- 13 6. Gross incompetency.
- 14 7. Affliction with any mental or physical disorder or
15 disturbance seriously impairing his competency as an optometrist.
- 16 8. Making false or misleading representations, by or on behalf
17 of the licensee, with respect to optometric materials or services.
- 18 9. Practice by the licensee, or attempting or offering so to do,
19 while he is in an intoxicated condition.
- 20 10. Perpetration of unethical or unprofessional conduct in the
21 practice of optometry.
- 22 11. Any violation of the provisions of this chapter or any
23 regulations adopted pursuant thereto.
- 24 **Sec. 42.** NRS 637A.250 is hereby amended to read as follows:
25 637A.250 The Board may take disciplinary action against a
26 licensee after a hearing which discloses that the licensee:
- 27 1. Has been convicted of a felony ~~[]~~ *relating to the practice of*
28 *hearing aid specialists.*
- 29 2. Has been convicted of violating any of the provisions of
30 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
31 inclusive.
- 32 3. Obtained the license by fraud or misrepresentation.
- 33 4. Has made any false or fraudulent statements concerning
34 hearing aids or the business of hearing aid specialist.
- 35 5. Has been guilty of negligence, incompetence or
36 unprofessional conduct in his practice as a hearing aid specialist. As
37 used in this subsection, "unprofessional conduct" includes, without
38 limitation:
- 39 (a) Conduct which is intended to deceive or which the Board by
40 specific regulation has determined is unethical;
- 41 (b) Conduct which is harmful to the public or any conduct
42 detrimental to the public health or safety;
- 43 (c) Conduct for which disciplinary action was taken by an
44 agency of another state which is authorized to regulate the practice
45 of hearing aid specialists; and



1 (d) Knowingly employing, directly or indirectly, any person
2 who is not licensed to fit or dispense hearing aids or whose license
3 to fit or dispense hearing aids has been suspended or revoked.

4 6. Has loaned or transferred his license to another person.

5 7. Willfully violated any law of this state or any provision of
6 this chapter regulating hearing aid specialists or the operation of an
7 office, store or other location for dispensing hearing aids.

8 **Sec. 43.** NRS 637B.250 is hereby amended to read as follows:
9 637B.250 The grounds for initiating disciplinary action
10 pursuant to this chapter are:

11 1. Unprofessional conduct.

12 2. Conviction of:

13 (a) A violation of any federal or state law regarding the
14 possession, distribution or use of any controlled substance or any
15 dangerous drug as defined in chapter 454 of NRS;

16 (b) A felony ~~relating to the practice of audiology or speech~~
17 *pathology*;

18 (c) A violation of any of the provisions of NRS 616D.200,
19 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

20 (d) Any offense involving moral turpitude.

21 3. Suspension or revocation of a license to practice audiology
22 or speech pathology by any other jurisdiction.

23 4. Gross or repeated malpractice, which may be evidenced by
24 claims of malpractice settled against a practitioner.

25 5. Professional incompetence.

26 **Sec. 44.** NRS 638.140 is hereby amended to read as follows:

27 638.140 The following acts, among others, are grounds for
28 disciplinary action:

29 1. Violation of a regulation adopted by the State Board of
30 Pharmacy or the Nevada State Board of Veterinary Medical
31 Examiners;

32 2. Habitual drunkenness;

33 3. Addiction to the use of a controlled substance;

34 4. Conviction of or a plea of nolo contendere to a felony ~~relating to~~
35 *related to the practice of veterinary medicine*, or any offense
36 involving moral turpitude;

37 5. Incompetence;

38 6. Negligence;

39 7. Malpractice pertaining to veterinary medicine as evidenced
40 by an action for malpractice in which the holder of a license is found
41 liable for damages;

42 8. Conviction of a violation of any law concerning the
43 possession, distribution or use of a controlled substance or a
44 dangerous drug as defined in chapter 454 of NRS;



1 9. Willful failure to comply with any provision of this chapter,
2 a regulation, subpoena or order of the Board, the standard of care
3 established by the American Veterinary Medical Association, or an
4 order of a court;

5 10. Prescribing, administering or dispensing a controlled
6 substance to an animal to influence the outcome of a competitive
7 event in which the animal is a competitor;

8 11. Willful failure to comply with a request by the Board for
9 medical records within 14 days after receipt of a demand letter
10 issued by the Board;

11 12. Willful failure to accept service by mail or in person from
12 the Board;

13 13. Failure of a supervising veterinarian to provide immediate
14 or direct supervision to licensed or unlicensed personnel if the
15 failure results in malpractice or the death of an animal; and

16 14. Failure of a supervising veterinarian to ensure that a
17 licensed veterinarian is on the premises of a facility or agency when
18 medical treatment is administered to an animal if the treatment
19 requires direct or immediate supervision by a licensed veterinarian.

20 **Sec. 45.** NRS 639.210 is hereby amended to read as follows:

21 639.210 The Board may suspend or revoke any certificate,
22 license, registration or permit issued pursuant to this chapter, and
23 deny the application of any person for a certificate, license,
24 registration or permit, if the holder or applicant:

25 1. Is not of good moral character;

26 2. Is guilty of habitual intemperance;

27 3. Becomes or is intoxicated or under the influence of liquor,
28 any depressant drug or a controlled substance, unless taken pursuant
29 to a lawfully issued prescription, while on duty in any establishment
30 licensed by the Board;

31 4. Is guilty of unprofessional conduct or conduct contrary to
32 the public interest;

33 5. Is addicted to the use of any controlled substance;

34 6. Has been convicted of a violation of any law or regulation of
35 the Federal Government or of this or any other state related to
36 controlled substances, dangerous drugs, drug samples, or the
37 wholesale or retail distribution of drugs;

38 7. Has been convicted of ~~felony~~:

39 (a) A felony *relating to holding a certificate, license,*
40 *registration or permit pursuant to this chapter;* or ~~other~~

41 (b) *Other* crime involving moral turpitude, dishonesty or
42 corruption;

43 8. Has been convicted of violating any of the provisions of
44 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
45 inclusive;



- 1 9. Has willfully made to the Board or its authorized
2 representative any false statement which is material to the
3 administration or enforcement of any of the provisions of this
4 chapter;
- 5 10. Has obtained any certificate, certification, license or permit
6 by the filing of an application, or any record, affidavit or other
7 information in support thereof, which is false or fraudulent;
- 8 11. Has violated any provision of the Federal Food, Drug and
9 Cosmetic Act or any other federal law or regulation relating to
10 prescription drugs;
- 11 12. Has violated, attempted to violate, assisted or abetted in the
12 violation of or conspired to violate any of the provisions of this
13 chapter or any law or regulation relating to drugs, the manufacture
14 or distribution of drugs or the practice of pharmacy, or has
15 knowingly permitted, allowed, condoned or failed to report a
16 violation of any of the provisions of this chapter or any law or
17 regulation relating to drugs, the manufacture or distribution of drugs
18 or the practice of pharmacy committed by the holder of a certificate,
19 license, registration or permit;
- 20 13. Has failed to renew his certificate, license or permit by
21 failing to submit the application for renewal or pay the renewal fee
22 therefor;
- 23 14. Has had his certificate, license or permit suspended or
24 revoked in another state on grounds which would cause suspension
25 or revocation of a certificate, license or permit in this state;
- 26 15. Has, as a managing pharmacist, violated any provision of
27 law or regulation concerning recordkeeping or inventory in a store
28 over which he presides, or has knowingly allowed a violation of any
29 provision of this chapter or other state or federal laws or regulations
30 relating to the practice of pharmacy by personnel of the pharmacy
31 under his supervision;
- 32 16. Has repeatedly been negligent, which may be evidenced by
33 claims of malpractice settled against him; or
- 34 17. Has failed to maintain and make available to a state or
35 federal officer any records in accordance with the provisions of this
36 chapter or chapter 453 or 454 of NRS.
- 37 **Sec. 46.** NRS 640A.200 is hereby amended to read as follows:
38 640A.200 1. The Board may, after notice and hearing,
39 suspend, revoke or refuse to issue or renew a license to practice as
40 an occupational therapist or occupational therapy assistant, or may
41 impose conditions upon the use of that license, if the Board
42 determines that the holder of or applicant for the license is guilty of
43 unprofessional conduct which has endangered or is likely to
44 endanger the public health, safety or welfare. The Board may
45 reinstate a revoked license upon application by the person to whom



1 the license was issued not less than 1 year after the license is
2 revoked.

3 2. If the Board receives a report pursuant to subsection 5 of
4 NRS 228.420, a hearing must be held to consider the report within
5 30 days after receiving the report.

6 3. As used in this section, "unprofessional conduct" includes:

7 (a) The obtaining of a license by fraud or through the
8 misrepresentation or concealment of a material fact;

9 (b) The conviction of ~~[any crime, except a misdemeanor which
10 does not involve]~~ :

11 (1) *A felony or gross misdemeanor relating to the practice
12 of occupational therapy; or*

13 (2) *Any crime involving* moral turpitude; and

14 (c) The violation of any provision of this chapter or regulation
15 of the Board adopted pursuant to this chapter.

16 **Sec. 47.** NRS 641.230 is hereby amended to read as follows:

17 641.230 The Board may suspend the license of a psychologist,
18 place a psychologist on probation, revoke the license of a
19 psychologist, require remediation for a psychologist or take any
20 other action specified by regulation if the Board finds by a
21 preponderance of the evidence that the psychologist has:

22 1. Been convicted of a felony ~~[]~~ *relating to the practice of
23 psychology.*

24 2. Been convicted of any crime or offense that reflects the
25 inability of the psychologist to practice psychology with due regard
26 for the health and safety of others.

27 3. Been convicted of violating any of the provisions of NRS
28 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
29 inclusive.

30 4. Engaged in gross malpractice or repeated malpractice or
31 gross negligence in the practice of psychology.

32 5. Aided or abetted the practice of psychology by a person not
33 licensed by the Board.

34 6. Made any fraudulent or untrue statement to the Board.

35 7. Violated a regulation adopted by the Board.

36 8. Had his license to practice psychology suspended or revoked
37 or has had any other disciplinary action taken against him by
38 another state or territory of the United States, the District of
39 Columbia or a foreign country, if at least one of the grounds for
40 discipline is the same or substantially equivalent to any ground
41 contained in this chapter.

42 9. Failed to report to the Board within 30 days the revocation,
43 suspension or surrender of, or any other disciplinary action taken
44 against, a license or certificate to practice psychology issued to him



1 by another state or territory of the United States, the District of
2 Columbia or a foreign country.

3 10. Violated or attempted to violate, directly or indirectly, or
4 assisted in or abetted the violation of or conspired to violate a
5 provision of this chapter.

6 11. Performed or attempted to perform any professional service
7 while impaired by alcohol, drugs or by a mental or physical illness,
8 disorder or disease.

9 12. Engaged in sexual activity with a patient.

10 13. Been convicted of abuse or fraud in connection with any
11 state or federal program which provides medical assistance.

12 14. Been convicted of submitting a false claim for payment to
13 the insurer of a patient.

14 **Sec. 48.** NRS 641A.310 is hereby amended to read as follows:

15 641A.310 The Board may refuse to grant a license or may
16 suspend or revoke a license for any of the following reasons:

17 1. Conviction of a felony ~~relating to the practice of~~
18 *marriage and family therapy* or of any offense involving moral
19 turpitude, the record of conviction being conclusive evidence
20 thereof.

21 2. Habitual drunkenness or addiction to the use of a controlled
22 substance.

23 3. Impersonating a licensed marriage and family therapist or
24 allowing another person to use his license.

25 4. Using fraud or deception in applying for a license or in
26 passing the examination provided for in this chapter.

27 5. Rendering or offering to render services outside the area of
28 his training, experience or competence.

29 6. Committing unethical practices contrary to the interest of the
30 public as determined by the Board.

31 7. Unprofessional conduct as determined by the Board.

32 8. Negligence, fraud or deception in connection with services
33 he is licensed to provide pursuant to this chapter.

34 **Sec. 49.** NRS 641B.400 is hereby amended to read as follows:

35 641B.400 The grounds for initiating disciplinary action
36 pursuant to this chapter are:

37 1. Unprofessional conduct;

38 2. Conviction of:

39 (a) A felony ~~relating to the practice of social work;~~

40 (b) Any offense involving moral turpitude; or

41 (c) A violation of any federal or state law regulating the
42 possession, distribution or use of any controlled substance or
43 dangerous drug as defined in chapter 454 of NRS;

44 3. Use of fraud or deception in:

45 (a) Applying for a license;



- 1 (b) Undergoing the initial licensing examination; or
- 2 (c) Rendering services as a social worker;
- 3 4. Allowing unauthorized use of a license issued pursuant to
- 4 this chapter;
- 5 5. Professional incompetence;
- 6 6. Practicing social work without a license; and
- 7 7. The habitual use of alcohol or any controlled substance
- 8 which impairs the ability to practice social work.

9 **Sec. 50.** NRS 641C.700 is hereby amended to read as follows:
10 641C.700 The grounds for initiating disciplinary action
11 pursuant to the provisions of this chapter include:

- 12 1. Conviction of:
 - 13 (a) A felony ~~is~~ *relating to the practice of counseling alcohol*
 - 14 *and drug abusers;*
 - 15 (b) An offense involving moral turpitude; or
 - 16 (c) A violation of a federal or state law regulating the
 - 17 possession, distribution or use of a controlled substance or
 - 18 dangerous drug as defined in chapter 453 of NRS;
- 19 2. Fraud or deception in:
 - 20 (a) Applying for a license or certificate;
 - 21 (b) Taking an examination for a license or certificate;
 - 22 (c) Documenting the continuing education required to renew or
 - 23 reinstate a license or certificate;
 - 24 (d) Submitting a claim for payment to an insurer; or
 - 25 (e) The practice of counseling alcohol and drug abusers;
- 26 3. Allowing the unauthorized use of a license or certificate
- 27 issued pursuant to this chapter;
- 28 4. Professional incompetence;
- 29 5. The habitual use of alcohol or any other drug that impairs
- 30 the ability of a licensed or certified counselor or certified intern to
- 31 engage in the practice of counseling alcohol and drug abusers;
- 32 6. Engaging in the practice of counseling alcohol and drug
- 33 abusers with an expired, suspended or revoked license or certificate;
- 34 and
- 35 7. Engaging in behavior that is contrary to the ethical standards
- 36 as set forth in the regulations of the Board.

37 **Sec. 51.** NRS 642.130 is hereby amended to read as follows:
38 642.130 The following acts are grounds for which the Board
39 may take disciplinary action against a person who is licensed to
40 practice the profession of embalming pursuant to this chapter or
41 refuse to issue such a license to an applicant therefor:

- 42 1. Gross incompetency.
- 43 2. Unprofessional, unethical or dishonest conduct.
- 44 3. Habitual intemperance.



- 1 4. Fraud or misrepresentation in obtaining or attempting to
2 obtain a license to practice the profession of embalming.
- 3 5. Employment by the licensee of persons commonly known as
4 "cappers," "steerers" or "solicitors," or of other persons to obtain
5 funeral directing or embalming business.
- 6 6. Malpractice.
- 7 7. Gross immorality.
- 8 8. The unlawful use of any controlled substance.
- 9 9. Conviction of a felony **relating to the practice of**
10 **embalming.**
- 11 10. False or misleading advertising as defined in NRS 642.490,
12 or false or misleading statements in the sale of merchandise or
13 services.
- 14 11. Refusal to surrender promptly the custody of a dead human
15 body upon the request of a person who is legally entitled to custody
16 of the body.
- 17 12. Violation by the licensee of any provision of this chapter,
18 any regulation adopted pursuant thereto or any other law of this state
19 relating to the practice of any of the professions regulated by the
20 Board.
- 21 13. The theft or misappropriation of money in a trust fund
22 established and maintained pursuant to chapter 689 of NRS.
- 23 **Sec. 52.** NRS 642.470 is hereby amended to read as follows:
24 642.470 The following acts are grounds for which the Board
25 may take disciplinary action against a person who holds a funeral
26 director's license, a permit to operate a funeral establishment or a
27 license to conduct direct cremations or immediate burials, or refuse
28 to issue such a license or permit to an applicant therefor:
 - 29 1. Conviction of a crime involving moral turpitude.
 - 30 2. Unprofessional conduct.
 - 31 3. False or misleading advertising.
 - 32 4. Conviction of a felony **relating to the practice of funeral**
33 **directors.**
 - 34 5. Conviction of a misdemeanor that is related directly to the
35 business of a funeral establishment.
- 36 **Sec. 53.** NRS 643.185 is hereby amended to read as follows:
37 643.185 1. The following are grounds for disciplinary action
38 by the Board:
 - 39 (a) Violation by any person licensed pursuant to the provisions
40 of this chapter of any provision of this chapter or the regulations
41 adopted by the Board.
 - 42 (b) Conviction of a felony **relating to the practice of barbers.**
 - 43 (c) Malpractice or incompetency.
 - 44 (d) Continued practice by a person knowingly having an
45 infectious or contagious disease.



- 1 (e) Advertising, practicing or attempting to practice under
- 2 another's name or trade name.
- 3 (f) Drunkenness or addiction to a controlled substance.
- 4 2. If the Board determines that a violation of this section has
- 5 occurred, it may:
- 6 (a) Refuse to issue or renew a license;
- 7 (b) Revoke or suspend a license;
- 8 (c) Impose a fine of not more than \$1,000; and
- 9 (d) Require the person to pay all costs incurred by the Board
- 10 relating to the discipline of the person.
- 11 **Sec. 54.** NRS 645.633 is hereby amended to read as follows:
- 12 645.633 1. The Commission may take action pursuant to
- 13 NRS 645.630 against any person subject to that section who is
- 14 guilty of:
- 15 (a) Willfully using any trade name, service mark or insigne of
- 16 membership in any real estate organization of which the licensee is
- 17 not a member, without the legal right to do so.
- 18 (b) Violating any order of the Commission, any agreement with
- 19 the Division, any of the provisions of this chapter, chapter 116, 119,
- 20 119A, 119B, 645A or 645C of NRS or any regulation adopted
- 21 thereunder.
- 22 (c) Paying a commission, compensation or a finder's fee to any
- 23 person for performing the services of a broker, broker-salesman or
- 24 salesman who has not secured his license pursuant to this chapter.
- 25 This subsection does not apply to payments to a broker who is
- 26 licensed in his state of residence.
- 27 (d) ~~[A felony, or has]~~ *Has been convicted of, or* entered a plea
- 28 of guilty, guilty but mentally ill or nolo contendere to ~~[a charge of]~~ :
- 29 *(1) A felony relating to the practice of the licensee, property*
- 30 *manager or owner-developer; or [any]*
- 31 *(2) Any* crime involving fraud, deceit, misrepresentation or
- 32 moral turpitude.
- 33 (e) Guaranteeing, or having authorized or permitted any person
- 34 to guarantee, future profits which may result from the resale of real
- 35 property.
- 36 (f) Failure to include a fixed date of expiration in any written
- 37 brokerage agreement or to leave a copy of the brokerage agreement
- 38 with the client.
- 39 (g) Accepting, giving or charging any undisclosed commission,
- 40 rebate or direct profit on expenditures made for a client.
- 41 (h) Gross negligence or incompetence in performing any act for
- 42 which he is required to hold a license pursuant to this chapter,
- 43 chapter 119, 119A or 119B of NRS.
- 44 (i) Any other conduct which constitutes deceitful, fraudulent or
- 45 dishonest dealing.



1 (j) Any conduct which took place before he became licensed,
2 which was in fact unknown to the Division and which would have
3 been grounds for denial of a license had the Division been aware of
4 the conduct.

5 (k) Knowingly permitting any person whose license has been
6 revoked or suspended to act as a real estate broker, broker-salesman
7 or salesman, with or on behalf of the licensee.

8 (l) Recording or causing to be recorded a claim pursuant to the
9 provisions of NRS 645.8701 to 645.8811, inclusive, that is
10 determined by a district court to be frivolous and made without
11 reasonable cause pursuant to NRS 645.8791.

12 2. The Commission may take action pursuant to NRS 645.630
13 against a person who is subject to that section for the suspension or
14 revocation of a real estate broker's, broker-salesman's or salesman's
15 license issued to him by any other jurisdiction.

16 3. The Commission may take action pursuant to NRS 645.630
17 against any person who:

18 (a) Holds a permit to engage in property management issued
19 pursuant to NRS 645.6052; and

20 (b) In connection with any property for which the person has
21 obtained a written brokerage agreement to manage the property
22 pursuant to NRS 645.6056:

23 (1) Is convicted of violating any of the provisions of
24 NRS 202.470;

25 (2) Has been notified in writing by the appropriate
26 governmental agency of a potential violation of NRS 244.360,
27 244.3603 or 268.4124, and has failed to inform the owner of the
28 property of such notification; or

29 (3) Has been directed in writing by the owner of the property
30 to correct a potential violation of NRS 244.360, 244.3603 or
31 268.4124, and has failed to correct the potential violation, if such
32 corrective action is within the scope of the person's duties pursuant
33 to the written brokerage agreement.

34 4. The Division shall maintain a log of any complaints that it
35 receives relating to activities for which the Commission may take
36 action against a person holding a permit to engage in property
37 management pursuant to subsection 3.

38 5. On or before February 1 of each odd-numbered year, the
39 Division shall submit to the Director of the Legislative Counsel
40 Bureau a written report setting forth, for the previous biennium:

41 (a) Any complaints included in the log maintained by the
42 Division pursuant to subsection 4; and

43 (b) Any disciplinary actions taken by the Commission pursuant
44 to subsection 3.



1 **Sec. 55.** NRS 645A.090 is hereby amended to read as follows:
2 645A.090 1. The Commissioner may refuse to license any
3 escrow agent or agency or may suspend or revoke any license or
4 impose a fine of not more than \$500 for each violation by entering
5 an order to that effect, with his findings in respect thereto, if upon a
6 hearing, it is determined that the applicant or licensee:
7 (a) In the case of an escrow agency, is insolvent;
8 (b) Has violated any provision of this chapter or any regulation
9 adopted pursuant thereto or has aided and abetted another to do so;
10 (c) In the case of an escrow agency, is in such a financial
11 condition that he cannot continue in business with safety to his
12 customers;
13 (d) Has committed fraud in connection with any transaction
14 governed by this chapter;
15 (e) Has intentionally or knowingly made any misrepresentation
16 or false statement to, or concealed any essential or material fact
17 from, any principal or designated agent of a principal in the course
18 of the escrow business;
19 (f) Has intentionally or knowingly made or caused to be made to
20 the Commissioner any false representation of a material fact or has
21 suppressed or withheld from the Commissioner any information
22 which the applicant or licensee possesses;
23 (g) Has failed without reasonable cause to furnish to the parties
24 of an escrow their respective statements of the settlement within a
25 reasonable time after the close of escrow;
26 (h) Has failed without reasonable cause to deliver, within a
27 reasonable time after the close of escrow, to the respective parties of
28 an escrow transaction any money, documents or other properties
29 held in escrow in violation of the provisions of the escrow
30 instructions;
31 (i) Has refused to permit an examination by the Commissioner
32 of his books and affairs or has refused or failed, within a reasonable
33 time, to furnish any information or make any report that may be
34 required by the Commissioner pursuant to the provisions of this
35 chapter;
36 (j) Has been convicted of a felony *relating to the practice of*
37 *escrow agents or agencies* or any misdemeanor of which an
38 essential element is fraud;
39 (k) In the case of an escrow agency, has failed to maintain
40 complete and accurate records of all transactions within the last 6
41 years;
42 (l) Has commingled the money of others with his own or
43 converted the money of others to his own use;
44 (m) Has failed, before the close of escrow, to obtain written
45 escrow instructions concerning any essential or material fact or



1 intentionally failed to follow the written instructions which have
2 been agreed upon by the parties and accepted by the holder of the
3 escrow;

4 (n) Has failed to disclose in writing that he is acting in the dual
5 capacity of escrow agent or agency and undisclosed principal in any
6 transaction; or

7 (o) In the case of an escrow agency, has:

8 (1) Failed to maintain adequate supervision of an escrow
9 agent; or

10 (2) Instructed an escrow agent to commit an act which would
11 be cause for the revocation of the escrow agent's license and the
12 escrow agent committed the act. An escrow agent is not subject to
13 disciplinary action for committing such an act under instruction by
14 the escrow agency.

15 2. It is sufficient cause for the imposition of a fine or the
16 refusal, suspension or revocation of the license of a partnership,
17 corporation or any other association that any member of the
18 partnership or any officer or director of the corporation or
19 association has been guilty of any act or omission which would be
20 cause for such action had the applicant or licensee been a natural
21 person.

22 3. The Commissioner may suspend any license for not more
23 than 30 days, pending a hearing, if upon examination into the affairs
24 of the licensee it is determined that any of the grounds enumerated
25 in subsection 1 or 2 exist.

26 4. The Commissioner may refuse to issue a license to any
27 person who, within 10 years before the date of applying for a current
28 license, has had suspended or revoked a license issued pursuant to
29 this chapter or a comparable license issued by any other state,
30 district or territory of the United States or any foreign country.

31 **Sec. 56.** NRS 645B.020 is hereby amended to read as follows:

32 645B.020 1. A person who wishes to be licensed as a
33 mortgage broker must file a written application for a license with the
34 office of the Commissioner and pay the fee required pursuant to
35 NRS 645B.050. An application for a license as a mortgage broker
36 must:

37 (a) Be verified.

38 (b) State the name, residence address and business address of
39 the applicant and the location of each principal office and branch
40 office at which the mortgage broker will conduct business within
41 this state.

42 (c) State the name under which the applicant will conduct
43 business as a mortgage broker.

44 (d) List the name, residence address and business address of
45 each person who will:



- 1 (1) If the applicant is not a natural person, have an interest in
2 the mortgage broker as a principal, partner, officer, director or
3 trustee, specifying the capacity and title of each such person.
- 4 (2) Be associated with or employed by the mortgage broker
5 as a mortgage agent.
- 6 (e) If the applicant is a natural person, include the social security
7 number of the applicant.
- 8 (f) Include a general business plan and a description of the
9 policies and procedures that the mortgage broker and his mortgage
10 agents will follow to arrange and service loans and to conduct
11 business pursuant to this chapter.
- 12 (g) State the length of time the applicant has been engaged in the
13 business of a broker.
- 14 (h) Include a financial statement of the applicant and, if
15 applicable, satisfactory proof that the applicant will be able to
16 maintain continuously the net worth required pursuant to
17 NRS 645B.115.
- 18 (i) Include any other information required pursuant to the
19 regulations adopted by the Commissioner or an order of the
20 Commissioner.
- 21 2. If a mortgage broker will conduct business at one or more
22 branch offices within this state, the mortgage broker must apply for
23 a license for each such branch office.
- 24 3. Except as otherwise provided in this chapter, the
25 Commissioner shall issue a license to an applicant as a mortgage
26 broker if:
- 27 (a) The application complies with the requirements of this
28 chapter;
- 29 (b) The applicant submits the statement required pursuant to
30 NRS 645B.023, if the applicant is required to do so; and
- 31 (c) The applicant and each general partner, officer or director of
32 the applicant, if the applicant is a partnership, corporation or
33 unincorporated association:
- 34 (1) Has a good reputation for honesty, trustworthiness and
35 integrity and displays competence to transact the business of a
36 mortgage broker in a manner which safeguards the interests of the
37 general public. The applicant must submit satisfactory proof of these
38 qualifications to the Commissioner.
- 39 (2) Has not been convicted of, or entered a plea of nolo
40 contendere to, a felony *relating to the practice of mortgage brokers*
41 or any crime involving fraud, misrepresentation or moral turpitude.
- 42 (3) Has not made a false statement of material fact on his
43 application.
- 44 (4) Has not had a license that was issued pursuant to the
45 provisions of this chapter or chapter 645E of NRS suspended or



1 revoked within the 10 years immediately preceding the date of his
2 application.

3 (5) Has not had a license that was issued in any other state,
4 district or territory of the United States or any foreign country
5 suspended or revoked within the 10 years immediately preceding the
6 date of his application.

7 (6) Has not violated any provision of this chapter or chapter
8 645E of NRS, a regulation adopted pursuant thereto or an order of
9 the Commissioner.

10 **Sec. 57.** NRS 645B.020 is hereby amended to read as follows:

11 645B.020 1. A person who wishes to be licensed as a
12 mortgage broker must file a written application for a license with the
13 office of the Commissioner and pay the fee required pursuant to
14 NRS 645B.050. An application for a license as a mortgage broker
15 must:

16 (a) Be verified.

17 (b) State the name, residence address and business address of
18 the applicant and the location of each principal office and branch
19 office at which the mortgage broker will conduct business within
20 this state.

21 (c) State the name under which the applicant will conduct
22 business as a mortgage broker.

23 (d) List the name, residence address and business address of
24 each person who will:

25 (1) If the applicant is not a natural person, have an interest in
26 the mortgage broker as a principal, partner, officer, director or
27 trustee, specifying the capacity and title of each such person.

28 (2) Be associated with or employed by the mortgage broker
29 as a mortgage agent.

30 (e) Include a general business plan and a description of the
31 policies and procedures that the mortgage broker and his mortgage
32 agents will follow to arrange and service loans and to conduct
33 business pursuant to this chapter.

34 (f) State the length of time the applicant has been engaged in the
35 business of a mortgage broker.

36 (g) Include a financial statement of the applicant and, if
37 applicable, satisfactory proof that the applicant will be able to
38 maintain continuously the net worth required pursuant to
39 NRS 645B.115.

40 (h) Include any other information required pursuant to the
41 regulations adopted by the Commissioner or an order of the
42 Commissioner.

43 2. If a mortgage broker will conduct business at one or more
44 branch offices within this state, the mortgage broker must apply for
45 a license for each such branch office.



1 3. Except as otherwise provided in this chapter, the
2 Commissioner shall issue a license to an applicant as a mortgage
3 broker if:

4 (a) The application complies with the requirements of this
5 chapter; and

6 (b) The applicant and each general partner, officer or director of
7 the applicant, if the applicant is a partnership, corporation or
8 unincorporated association:

9 (1) Has a good reputation for honesty, trustworthiness and
10 integrity and displays competence to transact the business of a
11 mortgage broker in a manner which safeguards the interests of the
12 general public. The applicant must submit satisfactory proof of these
13 qualifications to the Commissioner.

14 (2) Has not been convicted of, or entered a plea of nolo
15 contendere to, a felony *relating to the practice of mortgage brokers*
16 or any crime involving fraud, misrepresentation or moral turpitude.

17 (3) Has not made a false statement of material fact on his
18 application.

19 (4) Has not had a license that was issued pursuant to the
20 provisions of this chapter or chapter 645E of NRS suspended or
21 revoked within the 10 years immediately preceding the date of his
22 application.

23 (5) Has not had a license that was issued in any other state,
24 district or territory of the United States or any foreign country
25 suspended or revoked within the 10 years immediately preceding the
26 date of his application.

27 (6) Has not violated any provision of this chapter or chapter
28 645E of NRS, a regulation adopted pursuant thereto or an order of
29 the Commissioner.

30 **Sec. 58.** NRS 645B.0243 is hereby amended to read as
31 follows:

32 645B.0243 The Commissioner may refuse to issue a license to
33 an applicant if the Commissioner has reasonable cause to believe
34 that the applicant or any general partner, officer or director of the
35 applicant has, after October 1, 1999, employed or proposed to
36 employ a person as a mortgage agent or authorized or proposed to
37 authorize a person to be associated with a mortgage broker as a
38 mortgage agent at a time when the applicant or the general partner,
39 officer or director knew or, in light of all the surrounding facts and
40 circumstances, reasonably should have known that the person:

41 1. Had been convicted of, or entered a plea of nolo contendere
42 to ~~[-a]~~:

43 (a) A felony *relating to the practice of mortgage brokers*; or
44 ~~[-any]~~



1 (b) *Any* crime involving fraud, misrepresentation or moral
2 turpitude; or
3 2. Had a financial services license or registration suspended or
4 revoked within the immediately preceding 10 years.
5 **Sec. 59.** NRS 645B.450 is hereby amended to read as follows:
6 645B.450 1. A person shall not act as or provide any of the
7 services of a mortgage agent or otherwise engage in, carry on or
8 hold himself out as engaging in or carrying on the activities of a
9 mortgage agent if the person:
10 (a) Has been convicted of, or entered a plea of nolo contendere
11 to ~~[-, a]~~:
12 (1) A felony *relating to the practice of mortgage agents*; or
13 ~~[-any]~~
14 (2) *Any* crime involving fraud, misrepresentation or moral
15 turpitude; or
16 (b) Has had a financial services license or registration suspended
17 or revoked within the immediately preceding 10 years.
18 2. A mortgage agent may not be associated with or employed
19 by more than one mortgage broker at the same time.
20 3. A mortgage broker shall register with the Division each
21 person who will be associated with or employed by the mortgage
22 broker as a mortgage agent. A mortgage broker shall register each
23 such person with the Division when the person begins his
24 association or employment with the mortgage broker and annually
25 thereafter. A registration expires 12 months after its effective date.
26 4. To register a person as a mortgage agent, a mortgage broker
27 must:
28 (a) Submit to the Division a registration form which is provided
29 by the Division and which:
30 (1) States the name, residence address and business address
31 of the person;
32 (2) Is signed by the person;
33 (3) Includes a provision by which the person gives his
34 written consent to an investigation of his credit history, criminal
35 history and background; and
36 (4) Includes any other information or supporting materials
37 required by the regulations adopted by the Commissioner. Such
38 information or supporting materials may include, without limitation,
39 a complete set of fingerprints from the person, the social security
40 number of the person and other forms of identification of the person.
41 (b) For each initial registration, pay the actual costs and
42 expenses incurred by the Division to investigate the credit history,
43 criminal history and background of the person. All money received
44 pursuant to this paragraph must be placed in the Investigative
45 Account *for Financial Institutions* created by NRS 232.545.



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

5 5. Not later than the date on which the mortgage broker
6 submits the information for annual registration required by
7 subsection 4, the person being registered shall pay an annual
8 registration fee of \$125. If the person does not pay the annual
9 registration fee, the person shall be deemed to be unregistered for
10 the purposes of this chapter.

11 6. A mortgage broker shall not employ a person as a mortgage
12 agent or authorize a person to be associated with the mortgage
13 broker as a mortgage agent if the mortgage broker has not registered
14 the person with the Division pursuant to this section or if the person:

15 (a) Has been convicted of, or entered a plea of nolo contendere
16 to, a felony *relating to the practice of mortgage agents* or any
17 crime involving fraud, misrepresentation or moral turpitude; or

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

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

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

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

29 (1) A written statement of the circumstances surrounding the
30 termination; and

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

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

35 **Sec. 60.** NRS 645B.670 is hereby amended to read as follows:

36 645B.670 Except as otherwise provided in NRS 645B.690:

37 1. For each violation committed by an applicant, whether or
38 not he is issued a license, the Commissioner may impose upon the
39 applicant an administrative fine of not more than \$10,000, if the
40 applicant:

41 (a) Has knowingly made or caused to be made to the
42 Commissioner any false representation of material fact;

43 (b) Has suppressed or withheld from the Commissioner any
44 information which the applicant possesses and which, if submitted



1 by him, would have rendered the applicant ineligible to be licensed
2 pursuant to the provisions of this chapter; or

3 (c) Has violated any provision of this chapter, a regulation
4 adopted pursuant to this chapter or an order of the Commissioner in
5 completing and filing his application for a license or during the
6 course of the investigation of his application for a license.

7 2. For each violation committed by a licensee, the
8 Commissioner may impose upon the licensee an administrative fine
9 of not more than \$10,000, may suspend, revoke or place conditions
10 upon his license, or may do both, if the licensee, whether or not
11 acting as such:

12 (a) Is insolvent;

13 (b) Is grossly negligent or incompetent in performing any act for
14 which he is required to be licensed pursuant to the provisions of this
15 chapter;

16 (c) Does not conduct his business in accordance with law or has
17 violated any provision of this chapter, a regulation adopted pursuant
18 to this chapter or an order of the Commissioner;

19 (d) Is in such financial condition that he cannot continue in
20 business with safety to his customers;

21 (e) Has made a material misrepresentation in connection with
22 any transaction governed by this chapter;

23 (f) Has suppressed or withheld from a client any material facts,
24 data or other information relating to any transaction governed by the
25 provisions of this chapter which the licensee knew or, by the
26 exercise of reasonable diligence, should have known;

27 (g) Has knowingly made or caused to be made to the
28 Commissioner any false representation of material fact or has
29 suppressed or withheld from the Commissioner any information
30 which the licensee possesses and which, if submitted by him, would
31 have rendered the licensee ineligible to be licensed pursuant to the
32 provisions of this chapter;

33 (h) Has failed to account to persons interested for all money
34 received for a trust account;

35 (i) Has refused to permit an examination by the Commissioner
36 of his books and affairs or has refused or failed, within a reasonable
37 time, to furnish any information or make any report that may be
38 required by the Commissioner pursuant to the provisions of this
39 chapter or a regulation adopted pursuant to this chapter;

40 (j) Has been convicted of, or entered a plea of nolo contendere
41 to, a felony *relating to the practice of mortgage brokers* or any
42 crime involving fraud, misrepresentation or moral turpitude;

43 (k) Has refused or failed to pay, within a reasonable time, any
44 fees, assessments, costs or expenses that the licensee is required to



1 pay pursuant to this chapter or a regulation adopted pursuant to this
2 chapter;

3 (l) Has failed to satisfy a claim made by a client which has been
4 reduced to judgment;

5 (m) Has failed to account for or to remit any money of a client
6 within a reasonable time after a request for an accounting or
7 remittal;

8 (n) Has commingled the money or other property of a client
9 with his own or has converted the money or property of others to his
10 own use;

11 (o) Has engaged in any other conduct constituting a deceitful,
12 fraudulent or dishonest business practice;

13 (p) Has repeatedly violated the policies and procedures of the
14 mortgage broker;

15 (q) Has failed to exercise reasonable supervision over the
16 activities of a mortgage agent as required by NRS 645B.460;

17 (r) Has instructed a mortgage agent to commit an act that would
18 be cause for the revocation of the license of the mortgage broker,
19 whether or not the mortgage agent commits the act;

20 (s) Has employed a person as a mortgage agent or authorized a
21 person to be associated with the licensee as a mortgage agent at a
22 time when the licensee knew or, in light of all the surrounding facts
23 and circumstances, reasonably should have known that the person:

24 (1) Had been convicted of, or entered a plea of nolo
25 contendere to, a felony *relating to the practice of mortgage agents*
26 or any crime involving fraud, misrepresentation or moral turpitude;
27 or

28 (2) Had a financial services license or registration suspended
29 or revoked within the immediately preceding 10 years; or

30 (t) Has not conducted verifiable business as a mortgage broker
31 for 12 consecutive months, except in the case of a new applicant.
32 The Commissioner shall determine whether a mortgage broker is
33 conducting business by examining the monthly reports of activity
34 submitted by the licensee or by conducting an examination of the
35 licensee.

36 **Sec. 61.** NRS 645C.460 is hereby amended to read as follows:

37 645C.460 1. Grounds for disciplinary action against a
38 certified or licensed appraiser or registered intern include:

39 (a) Unprofessional conduct;

40 (b) Professional incompetence;

41 (c) A criminal conviction for a felony *relating to the practice of*
42 *appraisers* or any offense involving moral turpitude; and

43 (d) The suspension or revocation of a registration card,
44 certificate, license or permit to act as an appraiser in any other
45 jurisdiction.



* A B 3 3 7 R 1 *

- 1 2. If grounds for disciplinary action against an appraiser or
2 intern exist, the Commission may do one or more of the following:
3 (a) Revoke or suspend his certificate, license or registration
4 card.
5 (b) Place conditions upon his certificate, license or registration
6 card, or upon the reissuance of a certificate, license or registration
7 card revoked pursuant to this section.
8 (c) Deny the renewal of his certificate, license or registration
9 card.
10 (d) Impose a fine of not more than \$1,000 for each violation.
- 11 3. If a certificate, license or registration card is revoked by the
12 Commission, another certificate, license or registration card must
13 not be issued to the same appraiser or intern for at least 1 year after
14 the date of the revocation, or at any time thereafter except in the sole
15 discretion of the Administrator, and then only if the appraiser or
16 intern satisfies all the requirements for an original certificate, license
17 or registration card.
- 18 4. If discipline is imposed pursuant to this section, the costs of
19 the proceeding, including investigative costs and attorney's fees,
20 may be recovered by the Commission.
- 21 **Sec. 62.** NRS 645E.200 is hereby amended to read as follows:
22 645E.200 1. A person who wishes to be licensed as a
23 mortgage company must file a written application for a license with
24 the Office of the Commissioner and pay the fee required pursuant to
25 NRS 645E.280. An application for a license as a mortgage company
26 must:
27 (a) Be verified.
28 (b) State the name, residence address and business address of
29 the applicant and the location of each principal office and branch
30 office at which the mortgage company will conduct business in this
31 state, including, without limitation, any office or other place of
32 business located outside this state from which the mortgage
33 company will conduct business in this state.
34 (c) State the name under which the applicant will conduct
35 business as a mortgage company.
36 (d) If the applicant is not a natural person, list the name,
37 residence address and business address of each person who will
38 have an interest in the mortgage company as a principal, partner,
39 officer, director or trustee, specifying the capacity and title of each
40 such person.
41 (e) Indicate the general plan and character of the business.
42 (f) State the length of time the applicant has been engaged in the
43 business of a mortgage company.
44 (g) Include a financial statement of the applicant.



- 1 (h) Include any other information required pursuant to the
2 regulations adopted by the Commissioner or an order of the
3 Commissioner.
- 4 2. If a mortgage company will conduct business in this state at
5 one or more branch offices, the mortgage company must apply for a
6 license for each such branch office.
- 7 3. Except as otherwise provided in this chapter, the
8 Commissioner shall issue a license to an applicant as a mortgage
9 company if:
- 10 (a) The application complies with the requirements of this
11 chapter; and
- 12 (b) The applicant and each general partner, officer or director of
13 the applicant, if the applicant is a partnership, corporation or
14 unincorporated association:
- 15 (1) Has a good reputation for honesty, trustworthiness and
16 integrity and displays competence to transact the business of a
17 mortgage company in a manner which safeguards the interests of the
18 general public. The applicant must submit satisfactory proof of these
19 qualifications to the Commissioner.
- 20 (2) Has not been convicted of, or entered a plea of nolo
21 contendere to, a felony *relating to the practice of mortgage*
22 *companies* or any crime involving fraud, misrepresentation or moral
23 turpitude.
- 24 (3) Has not made a false statement of material fact on his
25 application.
- 26 (4) Has not had a license that was issued pursuant to the
27 provisions of this chapter or chapter 645B of NRS suspended or
28 revoked within the 10 years immediately preceding the date of his
29 application.
- 30 (5) Has not had a license that was issued in any other state,
31 district or territory of the United States or any foreign country
32 suspended or revoked within the 10 years immediately preceding the
33 date of his application.
- 34 (6) Has not violated any provision of this chapter or chapter
35 645B of NRS, a regulation adopted pursuant thereto or an order of
36 the Commissioner.
- 37 4. If an applicant is a partnership, corporation or
38 unincorporated association, the Commissioner may refuse to issue a
39 license to the applicant if any member of the partnership or any
40 officer or director of the corporation or unincorporated association
41 has committed any act or omission that would be cause for refusing
42 to issue a license to a natural person.
- 43 5. A person may apply for a license for an office or other place
44 of business located outside this state from which the applicant will
45 conduct business in this state if the applicant or a subsidiary or



1 affiliate of the applicant has a license issued pursuant to this chapter
2 for an office or other place of business located in this state and if the
3 applicant submits with the application for a license a statement
4 signed by the applicant which states that the applicant agrees to:

5 (a) Make available at a location within this state the books,
6 accounts, papers, records and files of the office or place of business
7 located outside this state to the Commissioner or a representative of
8 the Commissioner; or

9 (b) Pay the reasonable expenses for travel, meals and lodging of
10 the Commissioner or a representative of the Commissioner incurred
11 during any investigation or examination made at the office or place
12 of business located outside this state.

13 The applicant must be allowed to choose between paragraph (a) or
14 (b) in complying with the provisions of this subsection.

15 **Sec. 63.** NRS 645E.670 is hereby amended to read as follows:

16 645E.670 1. For each violation committed by an applicant,
17 whether or not he is issued a license, the Commissioner may impose
18 upon the applicant an administrative fine of not more than \$10,000,
19 if the applicant:

20 (a) Has knowingly made or caused to be made to the
21 Commissioner any false representation of material fact;

22 (b) Has suppressed or withheld from the Commissioner any
23 information which the applicant possesses and which, if submitted
24 by him, would have rendered the applicant ineligible to be licensed
25 pursuant to the provisions of this chapter; or

26 (c) Has violated any provision of this chapter, a regulation
27 adopted pursuant to this chapter or an order of the Commissioner in
28 completing and filing his application for a license or during the
29 course of the investigation of his application for a license.

30 2. For each violation committed by a licensee, the
31 Commissioner may impose upon the licensee an administrative fine
32 of not more than \$10,000, may suspend, revoke or place conditions
33 upon his license, or may do both, if the licensee, whether or not
34 acting as such:

35 (a) Is insolvent;

36 (b) Is grossly negligent or incompetent in performing any act for
37 which he is required to be licensed pursuant to the provisions of this
38 chapter;

39 (c) Does not conduct his business in accordance with law or has
40 violated any provision of this chapter, a regulation adopted pursuant
41 to this chapter or an order of the Commissioner;

42 (d) Is in such financial condition that he cannot continue in
43 business with safety to his customers;

44 (e) Has made a material misrepresentation in connection with
45 any transaction governed by this chapter;



- 1 (f) Has suppressed or withheld from a client any material facts,
2 data or other information relating to any transaction governed by the
3 provisions of this chapter which the licensee knew or, by the
4 exercise of reasonable diligence, should have known;
- 5 (g) Has knowingly made or caused to be made to the
6 Commissioner any false representation of material fact or has
7 suppressed or withheld from the Commissioner any information
8 which the licensee possesses and which, if submitted by him, would
9 have rendered the licensee ineligible to be licensed pursuant to the
10 provisions of this chapter;
- 11 (h) Has failed to account to persons interested for all money
12 received for a trust account;
- 13 (i) Has refused to permit an examination by the Commissioner
14 of his books and affairs or has refused or failed, within a reasonable
15 time, to furnish any information or make any report that may be
16 required by the Commissioner pursuant to the provisions of this
17 chapter or a regulation adopted pursuant to this chapter;
- 18 (j) Has been convicted of, or entered a plea of nolo contendere
19 to, a felony *relating to the practice of mortgage companies* or any
20 crime involving fraud, misrepresentation or moral turpitude;
- 21 (k) Has refused or failed to pay, within a reasonable time, any
22 fees, assessments, costs or expenses that the licensee is required to
23 pay pursuant to this chapter or a regulation adopted pursuant to this
24 chapter;
- 25 (l) Has failed to satisfy a claim made by a client which has been
26 reduced to judgment;
- 27 (m) Has failed to account for or to remit any money of a client
28 within a reasonable time after a request for an accounting or
29 remittal;
- 30 (n) Has commingled the money or other property of a client
31 with his own or has converted the money or property of others to his
32 own use; or
- 33 (o) Has engaged in any other conduct constituting a deceitful,
34 fraudulent or dishonest business practice.
- 35 **Sec. 64.** NRS 648.110 is hereby amended to read as follows:
36 648.110 1. Before the Board grants any license, the applicant,
37 including each director and officer of a corporate applicant, must:
- 38 (a) Be at least 21 years of age.
39 (b) Be a citizen of the United States or lawfully entitled to
40 remain and work in the United States.
41 (c) Be of good moral character and temperate habits.
42 (d) Have no conviction of ~~felony~~;
43 *(1) A felony relating to the practice for which the applicant*
44 *wishes to be licensed;* or ~~felony~~



- 1 (2) *Any* crime involving moral turpitude or the illegal use or
2 possession of a dangerous weapon.
- 3 2. Each applicant, or the qualifying agent of a corporate
4 applicant, must:
- 5 (a) If an applicant for a private investigator's license, have at
6 least 5 years' experience as an investigator, or the equivalent
7 thereof, as determined by the Board.
- 8 (b) If an applicant for a reposessor's license, have at least 5
9 years' experience as a reposessor, or the equivalent thereof, as
10 determined by the Board.
- 11 (c) If an applicant for a private patrolman's license, have at least
12 5 years' experience as a private patrolman, or the equivalent thereof,
13 as determined by the Board.
- 14 (d) If an applicant for a process server's license, have at least 2
15 years' experience as a process server, or the equivalent thereof, as
16 determined by the Board.
- 17 (e) If an applicant for a dog handler's license, demonstrate to the
18 satisfaction of the Board his ability to handle, supply and train
19 watchdogs.
- 20 (f) If an applicant for a license as an intern, have:
- 21 (1) Received:
- 22 (I) A baccalaureate degree from an accredited college or
23 university and have at least 1 year's experience in investigation or
24 polygraphic examination satisfactory to the Board;
- 25 (II) An associate degree from an accredited college or
26 university and have at least 3 years' experience; or
- 27 (III) A high school diploma or its equivalent and have at
28 least 5 years' experience; and
- 29 (2) Satisfactorily completed a basic course of instruction in
30 polygraphic techniques satisfactory to the Board.
- 31 (g) If an applicant for a license as a polygraphic examiner:
- 32 (1) Meet the requirements contained in paragraph (f);
- 33 (2) Have actively conducted polygraphic examinations for at
34 least 2 years;
- 35 (3) Have completed successfully at least 250 polygraphic
36 examinations, including at least 100 examinations concerning
37 specific inquiries as distinguished from general examinations for the
38 purpose of screening;
- 39 (4) Have completed successfully at least 50 polygraphic
40 examinations, including 10 examinations concerning specific
41 inquiries, during the 12 months immediately before the date of his
42 application; and
- 43 (5) Have completed successfully at least 24 hours of
44 advanced polygraphic training acceptable to the Board during the 2
45 years immediately before the date of his application.



- 1 (h) Meet other requirements as determined by the Board.
2 3. The Board, when satisfied from recommendations and
3 investigation that the applicant is of good character, competency and
4 integrity, may issue and deliver a license to the applicant entitling
5 him to conduct the business for which he is licensed, for the period
6 which ends on July 1 next following the date of issuance.
7 4. For the purposes of this section, 1 year of experience
8 consists of 2,000 hours of experience.
9 **Sec. 65.** NRS 648.150 is hereby amended to read as follows:
10 648.150 The Board may discipline any licensee for any of the
11 following causes:
12 1. Conviction of a felony *relating to the practice of the*
13 *licensee* or of any offense involving moral turpitude.
14 2. Violation of any of the provisions of this chapter or of a
15 regulation adopted pursuant thereto.
16 3. A false statement by the licensee that any person is or has
17 been in his employ.
18 4. Any unprofessional conduct or unfitness of the licensee or
19 any person in his employ.
20 5. Any false statement or the giving of any false information in
21 connection with an application for a license or a renewal or
22 reinstatement of a license.
23 6. Any act in the course of the licensee's business constituting
24 dishonesty or fraud.
25 7. Impersonation or aiding and abetting an employee in the
26 impersonation of a law enforcement officer or employee of the
27 United States of America, or of any state or political subdivision
28 thereof.
29 8. During the period between the expiration of a license for the
30 failure to renew within the time fixed by this chapter and the
31 reinstatement of the license, the commission of any act which would
32 be a cause for the suspension or revocation of a license, or grounds
33 for the denial of an application for a license.
34 9. Willful failure or refusal to render to a client services or a
35 report as agreed between the parties and for which compensation
36 has been paid or tendered in accordance with the agreement of the
37 parties.
38 10. Commission of assault, battery or kidnapping.
39 11. Knowing violation of any court order or injunction in the
40 course of business as a licensee.
41 12. Any act which is a ground for denial of an application for a
42 license under this chapter.
43 13. Willfully aiding or abetting a person in a violation of a
44 provision of this chapter or a regulation adopted pursuant thereto.



1 **Sec. 66.** NRS 649.085 is hereby amended to read as follows:
2 649.085 Every individual applicant, every officer and director
3 of a corporate applicant, and every member of a firm or partnership
4 applicant for a license as a collection agency or collection agent
5 must submit proof satisfactory to the Commissioner that he:

6 1. Is a citizen of the United States or lawfully entitled to
7 remain and work in the United States.

8 2. Has a good reputation for honesty, trustworthiness, integrity
9 and is competent to transact the business of a collection agency in a
10 manner which protects the interests of the general public.

11 3. Has not had a collection agency license suspended or
12 revoked within the 10 years immediately preceding the date of the
13 application.

14 4. Has not been convicted of, or entered a plea of nolo
15 contendere to ~~[-a]~~:

16 (a) A felony *relating to the practice of collection agencies or*
17 *collection agents*; or ~~[-any]~~

18 (b) Any crime involving fraud, misrepresentation or moral
19 turpitude.

20 5. Has not made a false statement of material fact on his
21 application.

22 6. Will maintain one or more offices in this state for the
23 transaction of the business of his collection agency.

24 7. Has established a plan to ensure that his collection agency
25 will provide the services of a collection agency adequately and
26 efficiently.

27 **Sec. 67.** NRS 652.220 is hereby amended to read as follows:

28 652.220 A license may be denied, suspended or revoked if the
29 laboratory, laboratory director or any technical employee of the
30 laboratory:

31 1. Violates any provision of this chapter;

32 2. Makes any misrepresentation in obtaining a license;

33 3. Has been convicted of a felony ~~[-]~~ *relating to the position*
34 *for which the applicant has applied or the licensee has been*
35 *licensed pursuant to this chapter*;

36 4. Has been convicted of violating any of the provisions of
37 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
38 inclusive;

39 5. Is guilty of unprofessional conduct;

40 6. Knowingly permits the use of the name of a licensed
41 laboratory or its director by an unlicensed laboratory; or

42 7. Fails to meet the minimum standards prescribed by the
43 Board.



1 **Sec. 68.** NRS 654.190 is hereby amended to read as follows:
2 654.190 1. The Board may, after notice and hearing, impose
3 an administrative fine of not more than \$2,500 on and suspend or
4 revoke the license of any nursing facility administrator or
5 administrator of a residential facility for groups who:

6 (a) Is convicted of a felony ~~is~~ *relating to the practice of*
7 *administering a nursing facility or residential facility* or of any
8 offense involving moral turpitude.

9 (b) Has obtained his license by the use of fraud or deceit.

10 (c) Violates any of the provisions of this chapter.

11 (d) Aids or abets any person in the violation of any of the
12 provisions of NRS 449.001 to 449.240, inclusive, as those
13 provisions pertain to a facility for skilled nursing, facility for
14 intermediate care or residential facility for groups.

15 (e) Violates any regulation of the Board prescribing additional
16 standards of conduct for nursing facility administrators or
17 administrators of residential facilities for groups.

18 2. The Board shall give a licensee against whom proceedings
19 are brought pursuant to this section written notice of a hearing not
20 less than 10 days before the date of the hearing.

21 3. If discipline is imposed pursuant to this section, the costs of
22 the proceeding, including investigative costs and attorney's fees,
23 may be recovered by the Board.

24 **Sec. 69.** NRS 656.240 is hereby amended to read as follows:

25 656.240 The Board may refuse to issue or to renew or may
26 suspend or revoke any certificate for any one or a combination of
27 the following causes:

28 1. If the applicant or court reporter has by false representation
29 obtained or sought to obtain a certificate for himself or any other
30 person.

31 2. If the applicant or court reporter has been found in contempt
32 of court, arising out of his conduct in performing or attempting to
33 perform any act as a court reporter.

34 3. If the applicant or court reporter has been convicted of a
35 crime related to the qualifications, functions and responsibilities of a
36 certified court reporter.

37 4. If the applicant or court reporter has been convicted of ~~is~~
38 ~~felony or gross misdemeanor or of~~ any offense involving moral
39 turpitude.

40 The judgment of conviction or a certified copy of the judgment is
41 conclusive evidence of conviction of an offense.

42 **Sec. 70.** NRS 676.290 is hereby amended to read as follows:

43 676.290 1. The Commissioner may, pursuant to the
44 procedure provided in this chapter, deny, suspend or revoke any
45 license for which application has been made or which has been



1 issued under the provisions of this chapter if he finds, as to the
2 licensee, its associates, directors or officers, grounds for action.

3 2. Any one of the following grounds may provide the requisite
4 grounds for denial, suspension or revocation:

5 (a) Conviction of a felony *relating to the practice of debt*
6 *adjusters* or of a misdemeanor involving moral turpitude.

7 (b) Violation of any of the provisions of this chapter or
8 regulations of the Commissioner.

9 (c) Fraud or deceit in procuring the issuance of the license.

10 (d) Continuous course of unfair conduct.

11 (e) Insolvency, filing in bankruptcy, receivership or assigning
12 for the benefit of creditors by any licensee or applicant for a license
13 under this chapter.

14 (f) Failure to pay the fee for renewal or reinstatement of a
15 license.

16 3. The Commissioner shall, after notice and hearing, impose
17 upon the licensee a fine of \$500 for each violation by the licensee of
18 any of the provisions of this chapter or regulations of the
19 Commissioner. If a fine is imposed pursuant to this section, the
20 costs of the proceeding, including investigative costs and attorney's
21 fees, may be recovered by the Commissioner.

22 **Sec. 71.** NRS 692A.105 is hereby amended to read as follows:

23 692A.105 1. The Commissioner may refuse to license any
24 title agent or escrow officer or may suspend or revoke any license or
25 impose a fine of not more than \$500 for each violation by entering
26 an order to that effect, with his findings in respect thereto, if upon a
27 hearing, it is determined that the applicant or licensee:

28 (a) In the case of a title agent, is insolvent or in such a financial
29 condition that he cannot continue in business with safety to his
30 customers;

31 (b) Has violated any provision of this chapter or any regulation
32 adopted pursuant thereto or has aided and abetted another to do so;

33 (c) Has committed fraud in connection with any transaction
34 governed by this chapter;

35 (d) Has intentionally or knowingly made any misrepresentation
36 or false statement to, or concealed any essential or material fact
37 known to him from, any principal or designated agent of the
38 principal in the course of the escrow business;

39 (e) Has intentionally or knowingly made or caused to be made
40 to the Commissioner any false representation of a material fact or
41 has suppressed or withheld from him any information which the
42 applicant or licensee possesses;

43 (f) Has failed without reasonable cause to furnish to the parties
44 of an escrow their respective statements of the settlement within a
45 reasonable time after the close of escrow;



- 1 (g) Has failed without reasonable cause to deliver, within a
2 reasonable time after the close of escrow, to the respective parties of
3 an escrow transaction any money, documents or other properties
4 held in escrow in violation of the provisions of the escrow
5 instructions;
- 6 (h) Has refused to permit an examination by the Commissioner
7 of his books and affairs or has refused or failed, within a reasonable
8 time, to furnish any information or make any report that may be
9 required by the Commissioner pursuant to the provisions of this
10 chapter;
- 11 (i) Has been convicted of a felony *relating to the practice of*
12 *title agents* or any misdemeanor of which an essential element is
13 fraud;
- 14 (j) In the case of a title agent, has failed to maintain complete
15 and accurate records of all transactions within the last 7 years;
- 16 (k) Has commingled the money of other persons with his own or
17 converted the money of other persons to his own use;
- 18 (l) Has failed, before the close of escrow, to obtain written
19 instructions concerning any essential or material fact or intentionally
20 failed to follow the written instructions which have been agreed
21 upon by the parties and accepted by the holder of the escrow;
- 22 (m) Has failed to disclose in writing that he is acting in the dual
23 capacity of escrow agent or agency and undisclosed principal in any
24 transaction;
- 25 (n) In the case of an escrow officer, has been convicted of, or
26 entered a plea of guilty or nolo contendere to, any crime involving
27 moral turpitude; or
- 28 (o) Has failed to obtain and maintain a copy of the executed
29 agreement or contract that establishes the conditions for the sale of
30 real property.
- 31 2. It is sufficient cause for the imposition of a fine or the
32 refusal, suspension or revocation of the license of a partnership,
33 corporation or any other association if any member of the
34 partnership or any officer or director of the corporation or
35 association has been guilty of any act or omission directly arising
36 from the business activities of a title agent which would be cause for
37 such action had the applicant or licensee been a natural person.
- 38 3. The Commissioner may suspend or revoke the license of a
39 title agent, or impose a fine, if the Commissioner finds that the title
40 agent:
- 41 (a) Failed to maintain adequate supervision of an escrow officer
42 title agent he has appointed or employed.
- 43 (b) Instructed an escrow officer to commit an act which would
44 be cause for the revocation of the escrow officer's license and the
45 escrow officer committed the act. An escrow officer is not subject to



1 disciplinary action for committing such an act under instruction by
2 the title agent.

3 4. The Commissioner may refuse to issue a license to any
4 person who, within 10 years before the date of applying for a current
5 license, has had suspended or revoked a license issued pursuant to
6 this chapter or a comparable license issued by any other state,
7 district or territory of the United States or any foreign country.

8 **Sec. 72.** NRS 706.8841 is hereby amended to read as follows:

9 706.8841 1. The Administrator shall issue a driver's permit
10 to qualified persons who wish to be employed by certificate holders
11 as taxicab drivers. Before issuing a driver's permit, the
12 Administrator shall:

13 (a) Require the applicant to submit a set of his fingerprints,
14 which must be forwarded to the Federal Bureau of Investigation to
15 ascertain whether the applicant has a criminal record and the nature
16 of any such record, and shall further investigate the applicant's
17 background; and

18 (b) Require proof that the applicant:

19 (1) Has been a resident of the State for 30 days before his
20 application for a permit;

21 (2) Can read and orally communicate in the English
22 language; and

23 (3) Has a valid license issued under NRS 483.325 which
24 authorizes him to drive a taxicab in this state.

25 2. The Administrator may refuse to issue a driver's permit if
26 the applicant has been convicted of:

27 (a) A felony ~~[, other than a felony involving any sexual offense,]~~
28 *relating to the practice of taxicab drivers* in this state or any other
29 jurisdiction ~~[within 5 years before the date of the application;]~~ *at*
30 *any time before the date of the application;*

31 (b) A felony involving any sexual offense in this state or any
32 other jurisdiction at any time before the date of the application; or

33 (c) A violation of NRS 484.379 or 484.3795 or a law of any
34 other jurisdiction that prohibits the same or similar conduct within 3
35 years before the date of the application.

36 3. The Administrator may refuse to issue a driver's permit if
37 the Administrator, after the background investigation of the
38 applicant, determines that the applicant is morally unfit or if the
39 issuance of the driver's permit would be detrimental to public
40 health, welfare or safety.

41 4. A taxicab driver shall pay to the Administrator, in advance,
42 \$20 for an original driver's permit and \$5 for a renewal.

43 **Sec. 73.** NRS 176A.860 is hereby repealed.

44 **Sec. 74.** 1. Any person residing in this state who, before
45 October 1, 2003, was:



- 1 (a) Honorably discharged from probation pursuant to
2 NRS 176A.850;
- 3 (b) Pardoned pursuant to NRS 213.090;
- 4 (c) Honorably discharged from parole pursuant to NRS 213.154
5 and 213.155; or
- 6 (d) Released from prison and was not subject to probation or
7 parole pursuant to NRS 213.157,
8 in this state or any other state and who has not had his civil rights
9 restored is hereby restored to the civil rights set forth in
10 subsection 2.
- 11 2. A person listed in subsection 1:
- 12 (a) Is immediately restored to:
- 13 (1) The right to vote; and
14 (2) The right to hold office.
- 15 (b) Two years after the date on which he is released from his
16 sentence of imprisonment, is restored to the right to serve on a jury.
- 17 3. A person who is restored to his civil rights pursuant to this
18 section whose official documentation which demonstrates that the
19 person qualifies to have his civil rights restored pursuant to
20 subsection 1 is lost, damaged or destroyed may file a written request
21 with a court of competent jurisdiction to restore his civil rights
22 pursuant to this section. Upon verification that the person qualifies
23 to have his civil rights restored pursuant to subsection 1, the court
24 shall issue an order restoring the person to the civil rights set forth in
25 subsection 2. A person must not be required to pay a fee to receive
26 such an order.
- 27 4. A person who is restored to his civil rights pursuant to this
28 section may present official documentation that he qualifies to have
29 his civil rights restored pursuant to subsection 1 or a court order
30 restoring his civil rights as proof that he has been restored to his
31 right to vote, to hold office and to serve as a juror.
- 32 **Sec. 75.** 1. This section and sections 1 to 56, inclusive, and
33 58 to 74, inclusive, of this act become effective on July 1, 2003.
- 34 2. Section 56 of this act expires by limitation on the date on
35 which the provisions of 42 U.S.C. § 666 requiring each state to
36 establish procedures under which the state has authority to withhold
37 or suspend, or to restrict the use of professional, occupational and
38 recreational licenses of persons who:
- 39 (a) Have failed to comply with a subpoena or warrant relating to
40 a proceeding to determine the paternity of a child or to establish or
41 enforce an obligation for the support of a child; or
- 42 (b) Are in arrears in the payment for support of one or more
43 children,



- 1 are repealed by the Congress of the United States.
2 3. Section 57 of this act becomes effective on the date on
3 which the provisions of 42 U.S.C. § 666 requiring each state to
4 establish procedures under which the state has authority to withhold
5 or suspend, or to restrict the use of professional, occupational and
6 recreational licenses of persons who:
7 (a) Have failed to comply with a subpoena or warrant relating to
8 a proceeding to determine the paternity of a child or to establish or
9 enforce an obligation for the support of a child; or
10 (b) Are in arrears in the payment for support of one or more
11 children,
12 are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

176A.860 Procedure for applying for restoration of civil rights after honorable discharge.

1. If a person is granted an honorable discharge from probation, not sooner than 6 months after his honorable discharge, the person may apply to the Division to request a restoration of his civil rights if the person:

(a) Has not previously been restored to his civil rights; and

(b) Has not been convicted of any offense greater than a traffic violation after his honorable discharge.

2. If a person applies to the Division to request a restoration of his civil rights, the person must submit with his application a current, certified record of his criminal history received from the Central Repository for Nevada Records of Criminal History. If the Division determines after an investigation that the person meets the requirements of this section, the Division shall petition the court in which the person was convicted for an order granting the restoration of his civil rights. If the Division refuses to submit such a petition, the person may, after notice to the Division, directly petition the court for an order granting the restoration of his civil rights.

