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FIRST REPRINT

S.B. 428

SENATE BILL NO. 428—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE DEPARTMENT OF BUSINESS AND
INDUSTRY, REAL ESTATE DIVISION)

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes regarding certain state agencies that regulate real estate practices and professions. (BDR 54-471)

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

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

AN ACT relating to real estate; making various changes regarding the powers and duties of the Real Estate Commission, the Real Estate Division of the Department of Business and Industry and the Commission of Appraisers of Real Estate; revising provisions governing the regulation of property managers; authorizing certain agencies to conduct business electronically; authorizing the investigation and audit of certain accounts of a real estate broker; expanding the power of certain agencies to impose fines and penalties for certain unlawful conduct and to deny, suspend and revoke licenses under certain circumstances; increasing certain fees and authorizing certain agencies to establish other fees by regulation; making certain conduct unlawful; providing penalties; and providing other matters properly relating thereto.

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



* S B 4 2 8 R 1 *

1 **Section 1.** Chapter 645 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *“Designated property manager” means a person who*
5 *has the qualifications required by section 3 of this act to be a*
6 *designated property manager and who is appointed as the*
7 *designated property manager for an office pursuant to section 3 of*
8 *this act.*

9 **Sec. 3. 1.** *If a real estate broker does not hold a permit to*
10 *engage in property management but intends to have property*
11 *management activities conducted at an office, the real estate*
12 *broker must:*

13 (a) *Appoint a person, who has the qualifications required by*
14 *this section, as the designated property manager for the office to*
15 *supervise the property management activities conducted at the*
16 *office; and*

17 (b) *Submit notice of the appointment to the Division.*

18 **2.** *The designated property manager for an office must be a*
19 *natural person who:*

20 (a) *Holds a license as a real estate broker or real estate broker-*
21 *salesman;*

22 (b) *Holds a permit to engage in property management; and*

23 (c) *Has 2 years active experience, within the 4 years*
24 *immediately preceding the date of the appointment, in conducting*
25 *property management activities in the United States as a licensed*
26 *real estate broker, real estate broker-salesman or real estate*
27 *salesman.*

28 **3.** *While acting as the designated property manager for an*
29 *office, the person:*

30 (a) *Must comply with the provisions of this section and NRS*
31 *645.6052 to 645.6058, inclusive, and all other applicable*
32 *provisions of this chapter; and*

33 (b) *Is subject to all the remedies and penalties provided for in*
34 *this chapter.*

35 **Sec. 4. 1.** *The Administrator may adopt regulations which*
36 *establish procedures for the Division to conduct business*
37 *electronically pursuant to title 59 of NRS with persons who are*
38 *regulated pursuant to this chapter and with any other persons with*
39 *whom the Division conducts business. The regulations may*
40 *include, without limitation, the establishment of fees to pay the*
41 *costs of conducting business electronically with the Division.*

42 **2.** *In addition to the process authorized by NRS 719.280, if*
43 *the Division is conducting business electronically with a person*
44 *and a law requires a signature or record to be notarized,*
45 *acknowledged, verified or made under oath, the Division may*



1 *allow the person to substitute a declaration that complies with the*
2 *provisions of NRS 53.045 to satisfy the legal requirement.*

3 *3. The Division may refuse to conduct business electronically*
4 *with a person who has failed to pay money which the person owes*
5 *to the Division or the Commission.*

6 **Sec. 5. 1. The Division may investigate and audit all**
7 **financial accounts related to the business of a real estate broker,**
8 **regardless of whether it is a trust account, if the Division has**
9 **reasonable cause to believe that the broker is using or has used the**
10 **account to operate or carry on the broker's business and the**
11 **Division:**

12 *(a) Has reasonable cause to believe or has received a credible*
13 *complaint that the real estate broker is insolvent or is in any*
14 *financial condition or has engaged in any financial practice which*
15 *creates a substantial risk of insolvency; or*

16 *(b) Determines that the investigation and audit is reasonably*
17 *necessary to assist the Division in administering or enforcing any*
18 *other provision of this chapter or any other statute that the*
19 *Division is charged with administering or enforcing.*

20 *2. The Commission shall adopt regulations prescribing the*
21 *scope of an audit conducted pursuant to this section.*

22 *3. The Commission may take action pursuant to NRS 645.630*
23 *against:*

24 *(a) Any real estate broker or other licensee who knowingly*
25 *fails to cooperate or comply with or knowingly impedes or*
26 *interferes with any investigation or audit conducted by the*
27 *Division pursuant to this section; or*

28 *(b) Any real estate broker who is insolvent or who is in any*
29 *financial condition or has engaged in any financial practice which*
30 *creates a substantial risk of insolvency.*

31 *4. As used in this section, "insolvent" or "insolvency" means*
32 *a condition in which a real estate broker is unable to meet the*
33 *liabilities of the broker's business as those liabilities become due*
34 *in the regular course of the broker's business and which creates a*
35 *substantial risk of harm to the public or a consumer.*

36 **Sec. 6. In addition to any other remedy or penalty, the**
37 **Commission or the Division, as appropriate, may:**

38 *1. Refuse to issue a license, permit, certificate or registration*
39 *to a person who has failed to pay money which the person owes to*
40 *the Commission or the Division.*

41 *2. Refuse to renew, or suspend or revoke, the license, permit,*
42 *certificate or registration of a person who has failed to pay money*
43 *which the person owes to the Commission or the Division.*



1 **Sec. 7. 1.** *In addition to any other remedy or penalty, the*
2 *Commission may impose an administrative fine against any*
3 *person who knowingly:*

4 *(a) Engages or offers to engage in any activity for which a*
5 *license, permit, certificate or registration or any type of*
6 *authorization is required pursuant to this chapter, or any*
7 *regulation adopted pursuant thereto, if the person does not hold*
8 *the required license, permit, certificate or registration or has not*
9 *been given the required authorization; or*

10 *(b) Assists or offers to assist another person to commit a*
11 *violation described in paragraph (a).*

12 **2.** *If the Commission imposes an administrative fine against a*
13 *person pursuant to this section, the amount of the administrative*
14 *fine may not exceed the amount of any gain or economic benefit*
15 *that the person derived from the violation or \$5,000, whichever*
16 *amount is greater.*

17 **3.** *In determining the appropriate amount of the*
18 *administrative fine, the Commission shall consider:*

19 *(a) The severity of the violation and the degree of any harm*
20 *that the violation caused to other persons;*

21 *(b) The nature and amount of any gain or economic benefit*
22 *that the person derived from the violation;*

23 *(c) The person's history or record of other violations; and*

24 *(d) Any other facts or circumstances that the Commission*
25 *deems to be relevant.*

26 **4.** *Before the Commission may impose the administrative*
27 *fine, the Commission must provide the person with notice and an*
28 *opportunity to be heard.*

29 **5.** *The person is entitled to judicial review of the decision of*
30 *the Commission in the manner provided by chapter 233B of NRS.*

31 **6.** *The provisions of this section do not apply to a person who*
32 *engages or offers to engage in activities within the purview of this*
33 *chapter if:*

34 *(a) A specific statute exempts the person from complying with*
35 *the provisions of this chapter with regard to those activities; and*

36 *(b) The person is acting in accordance with the exemption*
37 *while engaging or offering to engage in those activities.*

38 **Sec. 8. 1.** *It is unlawful for any person to file with the*
39 *Administrator, the Division or the Commission any notice,*
40 *statement, complaint or other document required under the*
41 *provisions of this chapter which is false or which contains any*
42 *willful, material misstatement of fact.*

43 **2.** *A person who violates any provision of this section is guilty*
44 *of a gross misdemeanor.*



1 **Sec. 9.** NRS 645.0005 is hereby amended to read as follows:
2 645.0005 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 645.001 to 645.040,
4 inclusive, *and section 2 of this act* have the meanings ascribed to
5 them in those sections.

6 **Sec. 10.** NRS 645.230 is hereby amended to read as follows:
7 645.230 1. It is unlawful for any person, limited-liability
8 company, partnership, association or corporation to engage in the
9 business of, act in the capacity of, advertise or assume to act as, a:

10 (a) Real estate broker, real estate broker-salesman or real estate
11 salesman within the State of Nevada without first obtaining the
12 appropriate license from the Real Estate Division as provided for in
13 this chapter; ~~or~~

14 (b) Property manager within the State of Nevada without first
15 obtaining from the Real Estate Division as provided for in this
16 chapter a license as a real estate broker, real estate broker-salesman
17 or real estate salesman and a permit to engage in property
18 management ~~or~~; *or*

19 (c) *Designated property manager within the State of Nevada*
20 *without complying with the provisions of section 3 of this act.*

21 2. The Real Estate Division may prefer a complaint for a
22 violation of this section before any court of competent jurisdiction
23 and may assist in presenting the law or facts upon any trial for a
24 violation of this section.

25 3. The district attorney of each county shall prosecute all
26 violations of this section in their respective counties in which
27 violations occur, unless prosecuted by the Attorney General. Upon
28 the request of the Administrator, the Attorney General shall
29 prosecute any violation of this section in lieu of the district attorney.

30 **Sec. 11.** (Deleted by amendment.)

31 **Sec. 12.** NRS 645.355 is hereby amended to read as follows:
32 645.355 ~~Am~~

33 1. *Each* applicant for a license as a *real estate* broker, broker-
34 salesman or salesman ~~in this state~~ *must pay a fee for the costs of*
35 *an investigation of the applicant's background.*

36 2. *Each applicant* must, as part of his application ~~be~~
37 ~~fingerprinted. Each applicant shall,~~ *and* at his own expense ~~and~~ :

38 (a) *Arrange to have a complete set of his fingerprints taken by*
39 *a law enforcement agency or other authorized entity acceptable to*
40 *the Division on a fingerprint card provided by the law enforcement*
41 *agency or other authorized entity for that purpose; and*

42 (b) *Submit to* the Division ~~arrange to be fingerprinted by any~~
43 ~~police or sheriff's office and shall attach his~~ *the* fingerprint card ~~be~~
44 ~~after his fingerprints are taken, to his application.~~ *and written*
45 *permission authorizing the Division to submit the applicant's*



1 *fingerprints to the Central Repository for Nevada Records of*
2 *Criminal History for submission to the Federal Bureau of*
3 *Investigation for a report on the applicant's background and to*
4 *such other law enforcement agencies as the Division deems*
5 *necessary.*

6 3. The Division may ~~[mail]~~ :
7 (a) *Submit* the applicant's ~~[fingerprint card to the Federal~~
8 ~~Bureau of Investigation, Washington, D.C., for its report,]~~
9 *fingerprints to the Central Repository for submission to the*
10 *Federal Bureau of Investigation* and to such other law enforcement
11 agencies as the Division ~~[may deem necessary.]~~ *deems necessary;*
12 *and*

13 (b) *Request from each such agency any information regarding*
14 *the applicant's background as the Division deems necessary.*

15 **Sec. 13.** NRS 645.490 is hereby amended to read as follows:
16 645.490 1. Upon satisfactorily passing the written
17 examination and upon complying with all other provisions of law
18 and conditions of this chapter, a license shall thereupon be granted
19 by the Division to the successful applicant therefor as a real estate
20 broker, broker-salesman or salesman, and the applicant, upon
21 receiving the license, may conduct the business of a real estate
22 broker, broker-salesman or salesman in this state.

23 2. The Division shall issue licenses as *a* real estate broker,
24 broker-salesman or salesman to all applicants who qualify and
25 comply with all provisions of law and all requirements of this
26 chapter.

27 3. ~~[A]~~ *Except as otherwise provided in NRS 645.840:*
28 (a) *An original license as a* real estate broker, broker-salesman
29 or salesman ~~[shall renew his license]~~ *must be renewed* with the
30 Division ~~[within 1 year immediately after initial licensing and~~
31 ~~thereafter shall renew his license every 2 years.]~~ *before the*
32 *expiration of the initial license period of 12 consecutive months as*
33 *prescribed in NRS 645.780; and*

34 (b) *Thereafter, the license must be renewed with the Division*
35 *before the expiration of each subsequent license period of 24*
36 *consecutive months as prescribed in NRS 645.780.*

37 **Sec. 14.** NRS 645.575 is hereby amended to read as follows:
38 645.575 1. The Commission shall *adopt regulations that*
39 *prescribe the* standards for the continuing education of persons
40 licensed pursuant to this chapter . ~~[by adopting regulations which~~
41 ~~include:]~~ *Until the Commission adopts such regulations, the*
42 *standards for continuing education are as follows:*

43 (a) For renewal of a license which is on active status, a
44 requirement for the hours of attendance at any approved educational
45 course, seminar or conference of:



1 (1) Thirty hours within the first year immediately after initial
2 licensing; and

3 (2) Fifteen hours within each subsequent 2-year period
4 before renewal.

5 For each period, at least 6 of the hours must be devoted to ethics,
6 professional conduct or the legal aspects of real estate.

7 (b) For reinstatement of a license which has been placed on
8 inactive status, a requirement for total attendance at any approved
9 educational course, seminar or conference of:

10 (1) Thirty hours if the license was on inactive status for 2
11 years or less during the initial license period;

12 (2) Fifteen hours if the license was on inactive status for a
13 period of 2 years or less, no part of which was during the initial
14 license period;

15 (3) Forty-five hours if the license was on inactive status for a
16 period of more than 2 years, part of which was during the initial
17 license period; or

18 (4) Thirty hours if the license was on inactive status for a
19 period of more than 2 years, no part of which was during the initial
20 license period.

21 For each period, at least 6 of the hours must be devoted to ethics,
22 professional conduct or the legal aspects of real estate.

23 (c) A basis and method of qualifying educational programs and
24 certifying attendance which will satisfy the requirements of this
25 section.

26 (d) A procedure for the evaluation of petitions based on a claim
27 of equivalency with the requirements of paragraph (a) or (b).

28 (e) A system of controlling and reporting qualifying attendance.

29 (f) A statement of the conditions for which an extension of time
30 may be granted to comply with the continuing education
31 requirements as well as a method of applying and qualifying for an
32 extension.

33 2. The standards prescribed in subsection 1 must permit
34 alternatives of subject material, taking cognizance of specialized
35 areas of practice and alternatives in sources of programs considering
36 availability in area and time. The standards must include, where
37 qualified, generally accredited educational institutions, private
38 vocational schools, educational programs and seminars of
39 professional societies and organizations, other organized educational
40 programs on technical subjects, or equivalent offerings. The
41 Commission shall qualify only those educational courses that it
42 determines address the appropriate subject matter and are given by
43 an accredited university or community college. Subject to the
44 provisions of this section, the Commission has exclusive authority



1 to determine what is an appropriate subject matter for qualification
2 as a continuing education course.

3 3. *In addition to any other standards for continuing*
4 *education that the Commission adopts by regulation pursuant to*
5 *this section, the Commission may, without limitation, adopt by*
6 *regulation standards for continuing education that:*

7 (a) *Establish a post-licensing curriculum of continuing*
8 *education which must be completed by a person within the first*
9 *year immediately after initial licensing of the person.*

10 (b) *Require a person whose license as a real estate broker or*
11 *real estate broker-salesman has been placed on inactive status for*
12 *any reason for 1 year or more or has been suspended or revoked to*
13 *complete a course of instruction in broker management that is*
14 *designed to fulfill the educational requirements for issuance of a*
15 *license which are described in paragraph (d) of subsection 2 of*
16 *NRS 645.343, before the person's license is reissued or reinstated.*

17 4. Except as otherwise provided in this subsection, the license
18 of a *real estate* broker, broker-salesman or salesman must not be
19 renewed or reinstated unless the Administrator finds that the
20 applicant for the renewal license or for reinstatement to active status
21 has completed the continuing education required by this chapter.
22 Any amendment or repeal of a regulation does not operate to
23 prevent an applicant from complying with this section for the next
24 licensing period following the amendment or repeal.

25 **Sec. 15.** NRS 645.6052 is hereby amended to read as follows:

26 645.6052 1. A person who is licensed pursuant to this chapter
27 as a real estate broker, real estate broker-salesman or real estate
28 salesman may apply to the Real Estate Division for a permit to
29 engage in property management.

30 2. An applicant for a permit must:

31 (a) Furnish proof satisfactory to the Division that he has
32 successfully completed at least 24 classroom hours of instruction in
33 property management; and

34 (b) Comply with all other requirements established by the
35 Commission for the issuance of a permit.

36 3. A permit expires, and may be renewed, at the same time as
37 the license of the holder of the permit.

38 4. An applicant for the renewal of a permit must:

39 (a) Furnish proof satisfactory to the Division that he has
40 successfully completed at least 3 of the hours of the continuing
41 education required for the renewal of his license pursuant to NRS
42 645.575 in an approved educational course, seminar or conference
43 concerning property management; and

44 (b) Comply with all other requirements established by the
45 Commission for the renewal of a permit.



1 5. The Commission may adopt such regulations as it
2 determines are necessary to carry out the provisions of this section.
3 The regulations may, without limitation:

4 (a) Establish additional requirements for the issuance or renewal
5 of a permit.

6 (b) Establish ~~fees~~ *fees* for the issuance and renewal of a
7 permit ~~and fees to pay the costs of:~~

8 *(1) Any examination for a permit, including any costs*
9 *which are necessary for the administration of such an*
10 *examination.*

11 *(2) Any investigation of an applicant's background.*

12 (c) Set forth standards of education for the approval of a course
13 of instruction to qualify ~~a person~~ *an applicant* for a permit .
14 ~~pursuant to this section.~~

15 **Sec. 16.** NRS 645.6058 is hereby amended to read as follows:

16 645.6058 1. Except as otherwise provided in subsection 3, all
17 fees, penalties and fines received by the Division pursuant to the
18 provisions of NRS 645.6052 to 645.6058, inclusive, *and section 3*
19 *of this act* must be deposited with the State Treasurer for credit to
20 the Division. The money must be used by the Division for the
21 administration of the provisions of NRS 645.6052 to 645.6058,
22 inclusive ~~and section 3 of this act.~~

23 2. The Division may delegate to a hearing officer or panel its
24 authority to take any disciplinary action against property managers,
25 impose and collect fines pursuant to the disciplinary action and
26 deposit the money with the State Treasurer for credit to the
27 Division.

28 3. If a hearing officer or panel is not authorized to take
29 disciplinary action pursuant to subsection 2, the Division shall
30 deposit the money collected from the imposition of penalties and
31 fines collected from property managers with the State Treasurer for
32 credit to the State General Fund. The Division may present a claim
33 to the State Board of Examiners for recommendation to the Interim
34 Finance Committee if money is needed to pay an attorney's fee or
35 the costs of an investigation, or both.

36 **Sec. 17.** NRS 645.6065 is hereby amended to read as follows:

37 645.6065 1. Except as otherwise provided in NRS 645.607, a
38 person shall not act as a qualified intermediary unless he is
39 registered as such with the Division. The Division may adopt such
40 regulations as it deems necessary to carry out the provisions of NRS
41 645.606 to 645.609, inclusive.

42 2. ~~A person may~~ *To* apply for registration ~~by paying to~~ , *a*
43 *person must pay* the Division a *fee of* \$100 ~~fee plus the actual cost~~
44 ~~of a background investigation conducted by the Federal Bureau of~~



1 ~~Investigation and filing with~~ and a fee to pay the costs of an
2 investigation of the person's background.

3 3. In addition to the requirements set forth in subsection 2,
4 the person must submit to the Division:

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

7 (1) The applicant's name, address and telephone number;

8 (2) The name under which the applicant will hold the money
9 or other property of a client;

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

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

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

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

20 ~~—(c) A card provided by the Division upon which the applicant's~~
21 ~~fingerprints, taken by an agency of law enforcement, are displayed.~~

22 ~~—3.]~~ 4. Each applicant must, as part of his application and at
23 his own expense:

24 (a) Arrange to have a complete set of his fingerprints taken by
25 a law enforcement agency or other authorized entity acceptable to
26 the Division on a fingerprint card provided by the law enforcement
27 agency or other authorized entity for that purpose; and

28 (b) Submit to the Division the completed fingerprint card and
29 written permission authorizing the Division to submit the
30 applicant's fingerprints to the Central Repository for Nevada
31 Records of Criminal History for submission to the Federal Bureau
32 of Investigation for a report on the applicant's background and to
33 such other law enforcement agencies as the Division deems
34 necessary.

35 5. The Division ~~shall:~~

36 ~~—(a) Mail the card upon which the applicant's fingerprints are~~
37 ~~displayed] may:~~

38 (a) Submit the applicant's fingerprints to the Central
39 Repository for submission to the Federal Bureau of Investigation ~~;~~
40 and to such other law enforcement agencies as the Division deems
41 necessary; and

42 (b) Request from ~~the Bureau~~ each such agency any
43 information regarding the applicant's ~~criminal history~~ background
44 as the Division deems necessary.



1 ~~[4.]~~ 6. Registration pursuant to this section must be renewed
2 each year on or before the date of the original registration by
3 providing the information required by the Division for that purpose
4 and paying a renewal fee of \$75.

5 **Sec. 18.** NRS 645.780 is hereby amended to read as follows:

6 645.780 ~~[Every]~~

7 1. *Each* license issued under the provisions of this chapter
8 expires at midnight on the last day of the last month of ~~[a] the~~
9 *applicable* license period ~~[.A] for the license.~~

10 2. *The initial license period for an original license as a real*
11 *estate broker, broker-salesman or salesman is a period of 12*
12 *consecutive months beginning on the first day of the first calendar*
13 *month after the original license is issued by the Division.*
14 *Thereafter, each subsequent* license period is a period of 24
15 consecutive months beginning on the first day of the first calendar
16 month after a *renewal of the* license is issued ~~[.]~~ *by the Division for*
17 *the subsequent license period.*

18 3. *For all other licenses, the license period is a period of 24*
19 *consecutive months beginning on the first day of the first calendar*
20 *month after the license or any renewal of the license is issued by*
21 *the Division, unless a specific statute:*

22 (a) *Provides for a different license period; or*

23 (b) *Expressly authorizes a different license period to be*
24 *provided for by regulation.*

25 **Sec. 19.** NRS 645.830 is hereby amended to read as follows:

26 645.830 1. The following fees must be charged by and paid
27 to the Division:

28	
29	For each original real estate broker's, broker-
30	salesman's or corporate broker's license [\$85] \$105
31	For each original real estate salesman's license..... [65] 85
32	For each original branch office license [100] 120
33	For real estate education, research and recovery
34	to be paid at the time an [original] application
35	for [a] an original license is filed [20] 40
36	For real estate education, research and recovery
37	to be paid at the time an application for [a]
38	<i>renewal of a</i> license is [renewed] <i>filed</i> 40
39	For each renewal of a real estate broker's,
40	broker-salesman's or corporate broker's
41	license [170] 180
42	For each renewal of a real estate salesman's
43	license [130] 140
44	For each renewal of a real estate branch office
45	license [100] 110



1	For each penalty for late filing of a renewal for a	
2	broker's, broker-salesman's or corporate	
3	broker's license	[85] \$95
4	For each penalty for late filing of a renewal for a	
5	salesman's license	[65] 75
6	For each change of name or address	[10] 20
7	For each transfer of a real estate salesman's or	
8	broker-salesman's license and change of	
9	association or employment	[10] 20
10	For each duplicate license where the original	
11	license is lost or destroyed, and an affidavit is	
12	made thereof.....	[10] 20
13	For each change of <i>broker</i> status from broker to	
14	broker-salesman, [or the reverse]	[10] 20
15	<i>For each change of broker status from broker-</i>	
16	<i>salesman to broker</i>	40
17	For each reinstatement to active status of an	
18	inactive real estate broker's, broker-	
19	salesman's or salesman's license	[10] 20
20	For each reinstatement of a real estate broker's	
21	license when the licensee fails to give	
22	immediate written notice to the Division of a	
23	change of name or business location	[20] 30
24	For each reinstatement of a real estate	
25	salesman's or broker-salesman's license	
26	when he fails to notify the Division of a	
27	change of broker within 30 days of	
28	termination by previous broker.....	[20] 30
29	For each original registration of an owner-	
30	developer.....	[100] 125
31	For each annual renewal of a registration of an	
32	owner-developer	[100] 125
33	For each enlargement of the area of an owner-	
34	developer's registration.....	[15] 50
35	For each cooperative certificate issued to an out-	
36	of-state broker licensee for 1 year or fraction	
37	thereof.....	[40] 150
38	For each original accreditation of a course of	
39	continuing education.....	[50] 100
40	For each renewal of accreditation of a course of	
41	continuing education.....	[10] 50
42	<i>For each annual approval of a course of</i>	
43	<i>instruction offered in preparation for an</i>	
44	<i>original license or permit</i>	100



1 2. The fees prescribed *by this section* for *courses of*
2 *instruction offered in preparation for an original license or permit*
3 *or for* courses of continuing education do not apply to ~~any~~ :

4 (a) Any university or community college of the University and
5 Community College System of Nevada.

6 (b) *Any agency of the State.*

7 (c) *Any regulatory agency of the Federal Government.*

8 3. *The Commission shall adopt regulations which establish*
9 *the fees to be charged and collected by the Division to pay the*
10 *costs of any investigation of a person's background.*

11 **Sec. 20.** NRS 645.842 is hereby amended to read as follows:

12 645.842 1. The Real Estate Education, Research and
13 Recovery Fund is hereby created as a special revenue fund.

14 2. A balance of not less than \$50,000 must be maintained in the
15 Fund, to be used for satisfying claims against persons licensed under
16 this chapter, as provided in NRS 645.841 to 645.8494, inclusive.
17 Any balance over \$50,000 at the end of any fiscal year must be set
18 aside and used by the Administrator, after approval of the
19 Commission, for real estate education and research.

20 3. *The interest and income earned on the money in the Fund,*
21 *after deducting any applicable charges, must be credited to the*
22 *Fund.*

23 **Sec. 21.** Chapter 645C of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 22, 23 and 24 of this act.

25 **Sec. 22.** 1. *The Administrator may adopt regulations which*
26 *establish procedures for the Division to conduct business*
27 *electronically pursuant to title 59 of NRS with persons who are*
28 *regulated pursuant to this chapter and with any other persons with*
29 *whom the Division conducts business. The regulations may*
30 *include, without limitation, the establishment of fees to pay the*
31 *costs of conducting business electronically with the Division.*

32 2. *In addition to the process authorized by NRS 719.280, if*
33 *the Division is conducting business electronically with a person*
34 *and a law requires a signature or record to be notarized,*
35 *acknowledged, verified or made under oath, the Division may*
36 *allow the person to substitute a declaration that complies with the*
37 *provisions of NRS 53.045 to satisfy the legal requirement.*

38 3. *The Division may refuse to conduct business electronically*
39 *with a person who has failed to pay money which the person owes*
40 *to the Division or the Commission.*

41 **Sec. 23.** *In addition to any other remedy or penalty, the*
42 *Commission or the Division, as appropriate, may:*

43 1. *Refuse to issue a certificate, license or registration card to*
44 *a person who has failed to pay money which the person owes to*
45 *the Commission or the Division.*



1 2. Refuse to renew, or suspend or revoke, the certificate,
2 license or registration card of a person who has failed to pay
3 money which the person owes to the Commission or the Division.

4 **Sec. 24.** 1. In addition to any other remedy or penalty, the
5 Commission may impose an administrative fine against any
6 person who knowingly:

7 (a) Engages or offers to engage in any activity for which a
8 certificate, license or registration card or any type of authorization
9 is required pursuant to this chapter, or any regulation adopted
10 pursuant thereto, if the person does not hold the required
11 certificate, license or registration card or has not been given the
12 required authorization; or

13 (b) Assists or offers to assist another person to commit a
14 violation described in paragraph (a).

15 2. If the Commission imposes an administrative fine against a
16 person pursuant to this section, the amount of the administrative
17 fine may not exceed the amount of any gain or economic benefit
18 that the person derived from the violation or \$5,000, whichever
19 amount is greater.

20 3. In determining the appropriate amount of the
21 administrative fine, the Commission shall consider:

22 (a) The severity of the violation and the degree of any harm
23 that the violation caused to other persons;

24 (b) The nature and amount of any gain or economic benefit
25 that the person derived from the violation;

26 (c) The person's history or record of other violations; and

27 (d) Any other facts or circumstances that the Commission
28 deems to be relevant.

29 4. Before the Commission may impose the administrative
30 fine, the Commission must provide the person with notice and an
31 opportunity to be heard.

32 5. The person is entitled to judicial review of the decision of
33 the Commission in the manner provided by chapter 233B of NRS.

34 6. The provisions of this section do not apply to a person who
35 engages or offers to engage in activities within the purview of this
36 chapter if:

37 (a) A specific statute exempts the person from complying with
38 the provisions of this chapter with regard to those activities; and

39 (b) The person is acting in accordance with the exemption
40 while engaging or offering to engage in those activities.

41 **Sec. 25.** NRS 645C.300 is hereby amended to read as follows:

42 645C.300 1. ~~Every~~ **Each** application for a certificate,
43 license or registration card must include the social security number
44 of the applicant and be accompanied by the fee for the certificate,
45 license or registration card ~~f~~.



1 ~~2. Each~~ and the fee to pay the costs of an investigation of the
2 applicant's background.

3 2. Each applicant must ~~[-~~
4 ~~(a) At~~, as part of his application and at his own expense ~~[and]~~
5 :

6 (a) Arrange to have a complete set of his fingerprints taken by
7 a law enforcement agency or other authorized entity acceptable to
8 the Division on a fingerprint card provided by the law enforcement
9 agency or other authorized entity for that purpose; and

10 (b) Submit to the Division ~~[-, arrange to be fingerprinted by an~~
11 ~~agency of law enforcement; and~~

12 ~~(b) Attach~~ the completed fingerprint card ~~[to his application.]~~
13 and written permission authorizing the Division to submit the
14 applicant's fingerprints to the Central Repository for Nevada
15 Records of Criminal History for submission to the Federal Bureau
16 of Investigation for a report on the applicant's background and to
17 such other law enforcement agencies as the Division deems
18 necessary.

19 3. The Division may:

20 (a) ~~[Mail the card]~~ Submit the applicant's fingerprints to the
21 Central Repository for submission to the Federal Bureau of
22 Investigation ~~[for any other agency of]~~ and to such other law
23 enforcement ~~[-]~~ agencies as the Division deems necessary; and

24 (b) Request from each such ~~[an]~~ agency any information
25 regarding the applicant's ~~[criminal history]~~ background as the
26 Division deems necessary.

27 **Sec. 26.** NRS 645C.450 is hereby amended to read as follows:
28 645C.450 1. The following fees may be charged and
29 collected by the Division:

30	
31	Application for a certificate, license or registration
32	card..... \$100
33	Issuance or renewal of a certificate or license as a
34	residential appraiser 290
35	Issuance or renewal of a certificate as a general
36	appraiser..... 390
37	Issuance of a permit 115
38	Issuance or renewal of a registration card..... 190
39	Issuance of a duplicate certificate or license for an
40	additional office 50
41	Change in the name or location of a business [10] 20
42	Reinstatement of an inactive certificate or license..... [10] 30
43	Annual approval of a course of instruction offered in
44	preparation for an initial certificate or license 100



1 ~~[Annual]~~ *Original approval of a course of*
2 *instruction offered for continuing education..... \$100*
3 *Renewal of approval of a course of instruction*
4 *offered for continuing education..... 50*
5

6 2. The Division shall adopt regulations which establish the fees
7 to be charged and collected by the Division *to pay* ~~for~~

- 8 ~~(a) The~~ *the costs of:*
9 (i) *Any examination for a certificate or license* ~~;~~ *and*
10 ~~(b) Any additional expenses~~ *, including any costs* which are
11 necessary for the administration of ~~the~~ *such an* examination.
12 (i) *Any investigation of a person's background.*

13 **Sec. 27.** Chapter 645D of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 28, 29 and 30 of this act.

15 **Sec. 28. 1.** *The Administrator may adopt regulations which*
16 *establish procedures for the Division to conduct business*
17 *electronically pursuant to title 59 of NRS with persons who are*
18 *regulated pursuant to this chapter and with any other persons with*
19 *whom the Division conducts business. The regulations may*
20 *include, without limitation, the establishment of fees to pay the*
21 *costs of conducting business electronically with the Division.*

22 2. *In addition to the process authorized by NRS 719.280, if*
23 *the Division is conducting business electronically with a person*
24 *and a law requires a signature or record to be notarized,*
25 *acknowledged, verified or made under oath, the Division may*
26 *allow the person to substitute a declaration that complies with the*
27 *provisions of NRS 53.045 to satisfy the legal requirement.*

28 3. *The Division may refuse to conduct business electronically*
29 *with a person who has failed to pay money which the person owes*
30 *to the Division.*

31 **Sec. 29.** *In addition to any other remedy or penalty, the*
32 *Administrator may:*

33 1. *Refuse to issue a certificate to a person who has failed to*
34 *pay money which the person owes to the Division.*

35 2. *Refuse to renew, or suspend or revoke, the certificate of a*
36 *person who has failed to pay money which the person owes to the*
37 *Division.*

38 **Sec. 30. 1.** *In addition to any other remedy or penalty, the*
39 *Administrator may impose an administrative fine against any*
40 *person who knowingly:*

- 41 (i) *Engages or offers to engage in any activity for which a*
42 *certificate or any type of authorization is required pursuant to this*
43 *chapter, or any regulation adopted pursuant thereto, if the person*
44 *does not hold the required certificate or has not been given the*
45 *required authorization; or*



1 (b) Assists or offers to assist another person to commit a
2 violation described in paragraph (a).

3 2. If the Administrator imposes an administrative fine against
4 a person pursuant to this section, the amount of the administrative
5 fine may not exceed the amount of any gain or economic benefit
6 that the person derived from the violation or \$5,000, whichever
7 amount is greater.

8 3. In determining the appropriate amount of the
9 administrative fine, the Administrator shall consider:

10 (a) The severity of the violation and the degree of any harm
11 that the violation caused to other persons;

12 (b) The nature and amount of any gain or economic benefit
13 that the person derived from the violation;

14 (c) The person's history or record of other violations; and

15 (d) Any other facts or circumstances that the Administrator
16 deems to be relevant.

17 4. Before the Administrator may impose the administrative
18 fine, the Administrator must provide the person with notice and an
19 opportunity to be heard.

20 5. The person is entitled to judicial review of the decision of
21 the Administrator in the manner provided by chapter 233B of
22 NRS.

23 6. The provisions of this section do not apply to a person who
24 engages or offers to engage in activities within the purview of this
25 chapter if:

26 (a) A specific statute exempts the person from complying with
27 the provisions of this chapter with regard to those activities; and

28 (b) The person is acting in accordance with the exemption
29 while engaging or offering to engage in those activities.

30 **Sec. 31.** NRS 645D.180 is hereby amended to read as follows:
31 645D.180 1. ~~Every~~ Each application for a certificate must
32 be accompanied by the fee for the certificate ~~;~~

33 ~~2. Each~~ and the fee to pay the costs of an investigation of the
34 applicant's background.

35 2. Each applicant must ~~;~~

36 ~~(a) Attach~~, as part of his application and at his own expense ~~and~~
37 :

38 (a) Arrange to have a complete set of his fingerprints taken by
39 a law enforcement agency or other authorized entity acceptable to
40 the Division on a fingerprint card provided by the law enforcement
41 agency or other authorized entity for that purpose; and

42 (b) Submit to the Division ~~;~~ ~~arrange to be fingerprinted by an~~
43 ~~agency of law enforcement; and~~

44 ~~(b) Attach~~ the completed fingerprint card ~~to his application.~~
45 and written permission authorizing the Division to submit the



1 *applicant's fingerprints to the Central Repository for Nevada*
2 *Records of Criminal History for submission to the Federal Bureau*
3 *of Investigation for a report on the applicant's background and to*
4 *such other law enforcement agencies as the Division deems*
5 *necessary.*

- 6 3. The Division may:
 - 7 (a) Require more than one *complete* set of fingerprints;
 - 8 (b) ~~Mail a completed card~~ *Submit the applicant's fingerprints*
9 *to the Central Repository for submission* to the Federal Bureau of
10 Investigation ~~for any other agency of~~ *and to such other* law
11 enforcement ~~;~~ *agencies as the Division deems necessary*; and
 - 12 (c) Request from *each* such ~~an~~ agency any information
13 regarding the applicant's ~~criminal history~~ *background* that the
14 Division deems necessary.

15 **Sec. 32.** NRS 645D.240 is hereby amended to read as follows:
16 645D.240 *1.* The following fees must be charged and
17 collected by the Division:

18	Application <i>For each application</i> for a certificate	\$100
19	Issuance <i>For the issuance</i> or renewal of a certificate.....	250
20	<i>For each penalty for a late renewal of a certificate</i>	125
21	<i>For each change of name, address or association</i>	20
22	<i>For each duplicate certificate where the original is</i>	
23	<i>lost or destroyed, and an affidavit is made thereof</i>	20
24	<i>For each reinstatement to active status of an inactive</i>	
25	<i>certificate</i>	20
26	<i>For each annual approval of a course of instruction</i>	
27	<i>offered in preparation for an original certificate</i>	100
28	<i>For each original accreditation of a course of</i>	
29	<i>continuing education</i>	100
30	<i>For each renewal of accreditation of a course of</i>	
31	<i>continuing education</i>	50

32 *2. The Division shall adopt regulations which establish the*
33 *fees to be charged and collected by the Division to pay the costs of:*

- 34 (a) *Any examination for a certificate, including any costs*
35 *which are necessary for the administration of such an*
36 *examination.*
- 37 (b) *Any investigation of a person's background.*

38 **Sec. 33.** Chapter 116 of NRS is hereby amended by adding
39 thereto the provisions set forth as sections 34, 35 and 36 of this act.

40 **Sec. 34.** *"Division" means the Real Estate Division of the*
41 *Department of Business and Industry.*

42 **Sec. 35.** *1. The Administrator may adopt regulations which*
43 *establish procedures for the Division to conduct business*
44 *electronically pursuant to title 59 of NRS with persons who are*
45 *regulated pursuant to this chapter and with any other persons with*



1 *whom the Division conducts business. The regulations may*
2 *include, without limitation, the establishment of fees to pay the*
3 *costs of conducting business electronically with the Division.*

4 *2. In addition to the process authorized by NRS 719.280, if*
5 *the Division is conducting business electronically with a person*
6 *and a law requires a signature or record to be notarized,*
7 *acknowledged, verified or made under oath, the Division may*
8 *allow the person to substitute a declaration that complies with the*
9 *provisions of NRS 53.045 to satisfy the legal requirement.*

10 *3. The Division may refuse to conduct business electronically*
11 *with a person who has failed to pay money which the person owes*
12 *to the Division or the Real Estate Commission.*

13 **Sec. 36. 1.** *In addition to any other remedy or penalty, the*
14 *Real Estate Commission may impose an administrative fine*
15 *against any person who knowingly:*

16 *(a) Engages or offers to engage in any activity for which a*
17 *permit or certificate or any type of authorization is required*
18 *pursuant to NRS 116.31139, or any regulation adopted pursuant*
19 *thereto, if the person does not hold the required permit or*
20 *certificate or has not been given the required authorization; or*

21 *(b) Assists or offers to assist another person to commit a*
22 *violation described in paragraph (a).*

23 *2. If the Real Estate Commission imposes an administrative*
24 *fine against a person pursuant to this section, the amount of the*
25 *administrative fine may not exceed the amount of any gain or*
26 *economic benefit that the person derived from the violation or*
27 *\$5,000, whichever amount is greater.*

28 *3. In determining the appropriate amount of the*
29 *administrative fine, the Real Estate Commission shall consider:*

30 *(a) The severity of the violation and the degree of any harm*
31 *that the violation caused to other persons;*

32 *(b) The nature and amount of any gain or economic benefit*
33 *that the person derived from the violation;*

34 *(c) The person's history or record of other violations; and*

35 *(d) Any other facts or circumstances that the Real Estate*
36 *Commission deems to be relevant.*

37 *4. Before the Real Estate Commission may impose the*
38 *administrative fine, the Real Estate Commission must provide the*
39 *person with notice and an opportunity to be heard.*

40 *5. The person is entitled to judicial review of the decision of*
41 *the Real Estate Commission in the manner provided by chapter*
42 *233B of NRS.*

43 *6. The provisions of this section do not apply to a person who*
44 *engages or offers to engage in activities within the purview of NRS*
45 *116.31139 if:*



1 (a) *A specific statute exempts the person from complying with*
2 *the provisions of NRS 116.31139 with regard to those activities;*
3 *and*

4 (b) *The person is acting in accordance with the exemption*
5 *while engaging or offering to engage in those activities.*

6 **Sec. 37.** NRS 116.1103 is hereby amended to read as follows:

7 116.1103 ~~[(b)]~~ *As used in this chapter and in* the declaration
8 and bylaws ~~[(NRS 116.3106), unless specifically provided otherwise~~
9 ~~or] of an association, unless~~ the context otherwise requires, ~~[and in~~
10 ~~this chapter.]~~ the words and terms defined in NRS 116.110305 to
11 116.110393, inclusive, *and section 34 of this act* have the meanings
12 ascribed to them in those sections.

13 **Sec. 38.** NRS 116.110305 is hereby amended to read as
14 follows:

15 116.110305 “Administrator” means the *Real Estate*
16 Administrator . ~~[of the Real Estate Division of the Department of~~
17 ~~Business and Industry.]~~

18 **Sec. 39.** NRS 116.1116 is hereby amended to read as follows:

19 116.1116 1. The Office of the Ombudsman for Owners in
20 Common-Interest Communities is hereby created within the ~~[Real~~
21 ~~Estate Division of the Department of Business and Industry.]~~
22 *Division.*

23 2. The Administrator shall appoint the Ombudsman for Owners
24 in Common-Interest Communities. The Ombudsman for Owners in
25 Common-Interest Communities is in the unclassified service of the
26 State.

27 3. The Ombudsman for Owners in Common-Interest
28 Communities must be qualified by training and experience to
29 perform the duties and functions of his office.

30 4. The Ombudsman for Owners in Common-Interest
31 Communities shall:

32 (a) Assist in processing claims submitted to mediation or
33 arbitration pursuant to NRS 38.300 to 38.360, inclusive;

34 (b) Assist owners in common-interest communities to
35 understand their rights and responsibilities as set forth in this
36 chapter and the governing documents of their associations,
37 including, without limitation, publishing materials related to those
38 rights and responsibilities;

39 (c) Assist persons appointed or elected to serve on executive
40 boards of associations to carry out their duties; and

41 (d) Compile and maintain a registration of each association
42 organized within the state which includes, without limitation:

43 (1) The name, address and telephone number of the
44 association;



- 1 (2) The name of the person engaged in property management
- 2 for the common-interest community or the name of the person who
- 3 manages the property at the site of the common-interest community;
- 4 (3) The names, mailing addresses and telephone numbers of
- 5 the members of the executive board of the association;
- 6 (4) The name of the declarant;
- 7 (5) The number of units in the common-interest community;
- 8 and
- 9 (6) The total annual assessment made by the association.

10 **Sec. 40.** NRS 116.31139 is hereby amended to read as
11 follows:

12 116.31139 1. An association may employ a person engaged
13 in property management for the common-interest community.

14 2. Except as otherwise provided in this section, a person
15 engaged in property management for a common-interest community
16 must:

17 (a) Hold a permit to engage in property management that is
18 issued pursuant to the provisions of chapter 645 of NRS; or

19 (b) Hold a certificate issued by the Real Estate Commission
20 pursuant to subsection 3.

21 3. The Real Estate Commission shall provide by regulation for
22 the issuance of certificates for the management of common-interest
23 communities to persons who are not otherwise authorized to engage
24 in property management pursuant to the provisions of chapter 645 of
25 NRS. The regulations:

26 (a) Must establish the qualifications for the issuance of such a
27 certificate, including the education and experience required to obtain
28 such a certificate. ~~§~~

29 (b) May require applicants to pass an examination in order to
30 obtain a certificate. ~~§~~ *If the regulations require such an
31 examination, the Real Estate Commission shall adopt regulations
32 which establish fees to pay the costs of the examination, including
33 any costs which are necessary for the administration of the
34 examination.*

35 (c) *May require an investigation of an applicant's background.
36 If the regulations require such an investigation, the Real Estate
37 Commission shall adopt regulations which establish fees to pay
38 the costs of the investigation.*

39 (d) Must establish standards of practice for persons engaged in
40 property management for a common-interest community. ~~§~~

41 ~~(d)~~ (e) Must establish the grounds for initiating disciplinary
42 action against a person to whom a certificate has been issued,
43 including, without limitation, the grounds for placing conditions,
44 limitations or restrictions on a certificate and for the suspension or
45 revocation of a certificate. ~~§ and~~



1 ~~—(e)~~ (f) Must establish rules of practice and procedure for
2 conducting disciplinary hearings.
3 The ~~[Real Estate Division of the Department of Business and~~
4 ~~Industry] Division~~ may investigate the property managers to whom
5 certificates have been issued to ensure their compliance with the
6 standards of practice adopted pursuant to this subsection and collect
7 a fee for the issuance of a certificate by the *Real Estate* Commission
8 in an amount not to exceed the administrative costs of issuing the
9 certificate.

10 4. *In addition to any other remedy or penalty, the Real Estate*
11 *Commission may:*

12 (a) *Refuse to issue a permit or certificate to a person who has*
13 *failed to pay money which the person owes to the Real Estate*
14 *Commission or the Division.*

15 (b) *Refuse to renew, or suspend or revoke, the permit or*
16 *certificate of a person who has failed to pay money which the*
17 *person owes to the Real Estate Commission or the Division.*

18 5. The provisions of subsection 2 do not apply to:

19 (a) A person who is engaged in property management for a
20 common-interest community on October 1, 1999, and is granted an
21 exemption from the requirements of subsection 2 by the
22 Administrator upon demonstration that he is qualified and
23 competent to engage in property management for a common-interest
24 community.

25 (b) A financial institution.

26 (c) An attorney licensed to practice in this state.

27 (d) A trustee.

28 (e) An employee of a corporation who manages only the
29 property of the corporation.

30 (f) A declarant.

31 (g) A receiver.

32 ~~[5.]~~ 6. As used in this section, “property management” means
33 the physical, administrative or financial maintenance and
34 management of real property, or the supervision of those activities
35 for a fee, commission or other compensation or valuable
36 consideration.

37 **Sec. 41.** NRS 116.311391 is hereby amended to read as
38 follows:

39 116.311391 The expiration or revocation of a certificate for the
40 management of a common-interest community by operation of law
41 or by order or decision of the Real Estate Commission or a court of
42 competent jurisdiction, or the voluntary surrender of such a
43 certificate by the holder of the certificate does not:

44 1. Prohibit the ~~[Real Estate Division of the Department of~~
45 ~~Business and Industry or] Real Estate Commission~~ *or the Division*



1 from initiating or continuing an investigation of, or action or
2 disciplinary proceeding against, the holder of the certificate as
3 authorized pursuant to the provisions of this chapter or the
4 regulations adopted pursuant thereto; or

5 2. Prevent the imposition or collection of any fine or penalty
6 authorized pursuant to the provisions of this chapter or the
7 regulations adopted pursuant thereto against the holder of the
8 certificate.

9 **Sec. 42.** Chapter 119 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 43, 44 and 45 of this act.

11 **Sec. 43. 1.** *The Administrator may adopt regulations which*
12 *establish procedures for the Division to conduct business*
13 *electronically pursuant to title 59 of NRS with persons who are*
14 *regulated pursuant to this chapter and with any other persons with*
15 *whom the Division conducts business. The regulations may*
16 *include, without limitation, the establishment of fees to pay the*
17 *costs of conducting business electronically with the Division.*

18 2. *In addition to the process authorized by NRS 719.280, if*
19 *the Division is conducting business electronically with a person*
20 *and a law requires a signature or record to be notarized,*
21 *acknowledged, verified or made under oath, the Division may*
22 *allow the person to substitute a declaration that complies with the*
23 *provisions of NRS 53.045 to satisfy the legal requirement.*

24 3. *The Division may refuse to conduct business electronically*
25 *with a person who has failed to pay money which the person owes*
26 *to the Division.*

27 **Sec. 44.** *In addition to any other remedy or penalty, the*
28 *Administrator may:*

29 1. *Refuse to issue a license, permit or registration to a person*
30 *who has failed to pay money which the person owes to the*
31 *Division.*

32 2. *Refuse to renew, or suspend or revoke, the license, permit*
33 *or registration of a person who has failed to pay money which the*
34 *person owes to the Division.*

35 **Sec. 45. 1.** *In addition to any other remedy or penalty, the*
36 *Administrator may impose an administrative fine against any*
37 *person who knowingly:*

38 (a) *Engages or offers to engage in any activity for which a*
39 *license, permit or registration or any type of authorization is*
40 *required pursuant to this chapter, or any regulation adopted*
41 *pursuant thereto, if the person does not hold the required license,*
42 *permit or registration or has not been given the required*
43 *authorization; or*

44 (b) *Assists or offers to assist another person to commit a*
45 *violation described in paragraph (a).*



1 2. *If the Administrator imposes an administrative fine against*
2 *a person pursuant to this section, the amount of the administrative*
3 *fine may not exceed the amount of any gain or economic benefit*
4 *that the person derived from the violation or \$5,000, whichever*
5 *amount is greater.*

6 3. *In determining the appropriate amount of the*
7 *administrative fine, the Administrator shall consider:*

8 (a) *The severity of the violation and the degree of any harm*
9 *that the violation caused to other persons;*

10 (b) *The nature and amount of any gain or economic benefit*
11 *that the person derived from the violation;*

12 (c) *The person's history or record of other violations; and*

13 (d) *Any other facts or circumstances that the Administrator*
14 *deems to be relevant.*

15 4. *Before the Administrator may impose the administrative*
16 *fine, the Administrator must provide the person with notice and an*
17 *opportunity to be heard.*

18 5. *The person is entitled to judicial review of the decision of*
19 *the Administrator in the manner provided by chapter 233B of*
20 *NRS.*

21 6. *The provisions of this section do not apply to a person who*
22 *engages or offers to engage in activities within the purview of this*
23 *chapter if:*

24 (a) *A specific statute exempts the person from complying with*
25 *the provisions of this chapter with regard to those activities; and*

26 (b) *The person is acting in accordance with the exemption*
27 *while engaging or offering to engage in those activities.*

28 **Sec. 46.** NRS 119.015 is hereby amended to read as follows:

29 119.015 "Administrator" means the ~~chief of the Division.~~
30 *Real Estate Administrator.*

31 **Sec. 47.** NRS 119.184 is hereby amended to read as follows:

32 119.184 **1.** A subdivision consisting of land situated in the
33 State of Nevada or another state must not be advertised or offered
34 for sale within the State of Nevada until the advertising and offering
35 is approved by the Division. Each advertisement must contain the
36 processing number assigned by the Division.

37 **2.** Each application for approval of advertising must be
38 accompanied by ~~fa~~ :

39 (a) A filing fee ~~not to exceed \$200, according to~~ *based on* a
40 schedule of fees ~~to be~~ established by the Division ; and ~~fees~~

41 (b) *Fees* for inspecting the advertising and the property in
42 amounts established by the Division.

43 **3.** The Division shall render a decision upon an application for
44 approval of an advertising or offering within 30 days from the date
45 the application is filed.



1 4. The Division shall adopt regulations to accomplish the
2 purpose of this section.

3 **Sec. 48.** NRS 119.320 is hereby amended to read as follows:

4 119.320 1. Subject to the provisions of this chapter, the
5 Division shall collect the following fees at such times and upon such
6 conditions as it may provide by regulation:

7	
8	For each annual registered representative's license
9	to represent a developer [\$65] \$85
10	For each transfer of a registered representative's
11	license to represent a developer [20] 30
12	<i>For each penalty for a late renewal of a</i>
13	<i>registered representative's license</i> 40
14	For each application for a developer's request for
15	an exemption from any provision of this
16	chapter..... [250] 275
17	For each application for renewal of an exemption
18	from any provision of this chapter [250] 275
19	For each developer's permit per subdivision 500
20	For each developer's temporary permit for each
21	subdivision [250] 275
22	For <i>each</i> renewal of a developer's permit..... 500
23	For each developer's partial registration pursuant
24	to NRS 119.121..... [250] 275
25	For each amendment to a developer's permit [100] 150
26	

27 The \$500 fee for a developer's permit per subdivision does not
28 apply to any subdivision having 34 or fewer lots, parcels, interests
29 or units.

30 2. At the time of the original filing, each developer shall pay an
31 additional \$5 for each lot, parcel, interest or unit in any one
32 subdivision in excess of 50, but not exceeding 250 such lots,
33 parcels, interests or units; \$4 for 251 through 500 lots, parcels,
34 interests or units in any one subdivision; \$3 for 501 through 750
35 lots, parcels, interests or units in any one subdivision; and \$2.50 for
36 all lots, parcels, interests or units in excess of 750 in any one
37 subdivision. The developer may designate lots, parcels, interests or
38 units it intends to offer for sale or lease in this state out of the
39 subdivision, and the fee per lot, parcel, interest or unit is only
40 applicable to those lots, parcels, interests or units. The units must be
41 designated in groupings of no less than 5 contiguous units in each
42 group, except that the Division may accept fewer upon request of
43 the developer. If the developer determines to offer additional lots,
44 parcels, interests or units, it shall so certify to the Division and pay
45 the additional fee therefor.



1 3. With the exception of the fees for a registered
2 representative's license or transfer, the fees enumerated in this
3 section must be reduced by the Administrator at such times as, in his
4 judgment, he considers a reduction equitable in relation to the
5 necessary costs of carrying out the administration and enforcement
6 of the provisions of this chapter.

7 **Sec. 49.** Chapter 119A of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 50, 51 and 52 of this act.

9 **Sec. 50. 1.** *The Administrator may adopt regulations which*
10 *establish procedures for the Division to conduct business*
11 *electronically pursuant to title 59 of NRS with persons who are*
12 *regulated pursuant to this chapter and with any other persons with*
13 *whom the Division conducts business. The regulations may*
14 *include, without limitation, the establishment of fees to pay the*
15 *costs of conducting business electronically with the Division.*

16 **2.** *In addition to the process authorized by NRS 719.280, if*
17 *the Division is conducting business electronically with a person*
18 *and a law requires a signature or record to be notarized,*
19 *acknowledged, verified or made under oath, the Division may*
20 *allow the person to substitute a declaration that complies with the*
21 *provisions of NRS 53.045 to satisfy the legal requirement.*

22 **3.** *The Division may refuse to conduct business electronically*
23 *with a person who has failed to pay money which the person owes*
24 *to the Division.*

25 **Sec. 51.** *In addition to any other remedy or penalty, the*
26 *Administrator may:*

27 **1.** *Refuse to issue a license, permit, certificate or registration*
28 *to a person who has failed to pay money which the person owes to*
29 *the Division.*

30 **2.** *Refuse to renew, or suspend or revoke, the license, permit,*
31 *certificate or registration of a person who has failed to pay money*
32 *which the person owes to the Division.*

33 **Sec. 52. 1.** *In addition to any other remedy or penalty, the*
34 *Administrator may impose an administrative fine against any*
35 *person who knowingly:*

36 **(a)** *Engages or offers to engage in any activity for which a*
37 *license, permit, certificate or registration or any type of*
38 *authorization is required pursuant to this chapter, or any*
39 *regulation adopted pursuant thereto, if the person does not hold*
40 *the required license, permit, certificate or registration or has not*
41 *been given the required authorization; or*

42 **(b)** *Assists or offers to assist another person to commit a*
43 *violation described in paragraph (a).*

44 **2.** *If the Administrator imposes an administrative fine against*
45 *a person pursuant to this section, the amount of the administrative*



1 *fine may not exceed the amount of any gain or economic benefit*
2 *that the person derived from the violation or \$5,000, whichever*
3 *amount is greater.*

4 *3. In determining the appropriate amount of the*
5 *administrative fine, the Administrator shall consider:*

6 *(a) The severity of the violation and the degree of any harm*
7 *that the violation caused to other persons;*

8 *(b) The nature and amount of any gain or economic benefit*
9 *that the person derived from the violation;*

10 *(c) The person's history or record of other violations; and*

11 *(d) Any other facts or circumstances that the Administrator*
12 *deems to be relevant.*

13 *4. Before the Administrator may impose the administrative*
14 *fine, the Administrator must provide the person with notice and an*
15 *opportunity to be heard.*

16 *5. The person is entitled to judicial review of the decision of*
17 *the Administrator in the manner provided by chapter 233B of*
18 *NRS.*

19 *6. The provisions of this section do not apply to a person who*
20 *engages or offers to engage in activities within the purview of this*
21 *chapter if:*

22 *(a) A specific statute exempts the person from complying with*
23 *the provisions of this chapter with regard to those activities; and*

24 *(b) The person is acting in accordance with the exemption*
25 *while engaging or offering to engage in those activities.*

26 **Sec. 53.** NRS 119A.210 is hereby amended to read as follows:

27 119A.210 1. The Administrator shall issue a sales agent's
28 license to each applicant who submits an application to the Division,
29 in the manner provided by the Division, which includes:

30 (a) Satisfactory evidence, affirmed by the project broker or
31 another acceptable source, that the applicant has completed 14 hours
32 of instruction in:

33 (1) Ethics.

34 (2) The applicable laws and regulations relating to time
35 shares.

36 (3) Principles and practices of selling time shares.

37 (b) Satisfactory evidence that he has a reputation for honesty,
38 trustworthiness and competence.

39 (c) A designation of the developer for whom he proposes to sell
40 time shares.

41 (d) The social security number of the applicant.

42 (e) Any further information required by the Division, including
43 the submission by the applicant to any investigation by the police or
44 the Division.



1 2. In addition to or in lieu of the 14 hours of instruction
2 required by paragraph (a) of subsection 1, the applicant may be
3 required to pass an examination which may be adopted by the
4 Division to examine satisfactorily the knowledge of the applicant in
5 those areas of instruction listed in paragraph (a) of subsection 1.

6 3. ~~Each applicant must submit~~ *Each applicant*
7 *must submit* the statement required pursuant to NRS 119A.263 and
8 ~~pay the~~ *pay the*
9 ~~fees provided for in this chapter.~~ *fees provided for in this chapter.*

11 4. *Each applicant must, as part of his application and at his*
12 *own expense:*

13 (a) *Arrange to have a complete set of his fingerprints taken by*
14 *a law enforcement agency or other authorized entity acceptable to*
15 *the Division on a fingerprint card provided by the law enforcement*
16 *agency or other authorized entity for that purpose; and*

17 (b) *Submit to the Division the completed fingerprint card and*
18 *written permission authorizing the Division to submit the*
19 *applicant's fingerprints to the Central Repository for Nevada*
20 *Records of Criminal History for submission to the Federal Bureau*
21 *of Investigation for a report on the applicant's background and to*
22 *such other law enforcement agencies as the Division deems*
23 *necessary.*

24 5. *The Division may:*

25 (a) *Submit the applicant's fingerprints to the Central*
26 *Repository for submission to the Federal Bureau of Investigation*
27 *and to such other law enforcement agencies as the Division deems*
28 *necessary; and*

29 (b) *Request from each such agency any information regarding*
30 *the applicant's background as the Division deems necessary.*

31 6. A person who is licensed as a salesman pursuant to chapter
32 645 of NRS is not required to obtain a license pursuant to the
33 provisions of this section.

34 ~~5. Upon the issuance of a license to an applicant, the applicant~~
35 ~~must pay a fee of \$100 for the license and an additional fee of \$25~~
36 ~~for investigation.~~

37 ~~6.]~~ 7. Each sales agent's license issued pursuant to this section
38 expires 2 years after the last day of the calendar month in which it
39 was issued and must be renewed on or before that date. Each
40 licensee ~~must pay a~~ *who submits the statement required pursuant*
41 *to NRS 119A.263 and meets the requirements for renewal may*
42 *renew his license upon the payment of the renewal fee* ~~of \$100.~~
43 ~~7.]~~ *before his license expires.*

44 8. If a ~~sales agent~~ *licensee* fails to ~~pay the renewal fee before~~
45 ~~the expiration of~~ *renew* his license ~~before it expires,~~ *before it expires,* the license



1 may be reinstated if the licensee *submits the statement and* pays ~~the~~ *reinstatement fee of \$50 and* the renewal fee *and the penalty*
2 *specified in NRS 119A.360* within 1 year after the license expires.

3 ~~[8.]~~ 9. The Administrator may adopt regulations establishing
4 and governing requirements for the continuing education of sales
5 agents.

6 **Sec. 54.** NRS 119A.250 is hereby amended to read as follows:
7 119A.250 1. The registration of a representative issued
8 pursuant to this chapter expires 1 year after its issuance.

9 2. Each representative who submits the statement required
10 pursuant to NRS 119A.263 and meets the requirements for renewal
11 adopted by the Division may renew his registration upon the
12 payment of the annual renewal fee before ~~the expiration of~~ his
13 registration ~~expires~~.

14 3. If a representative fails to ~~pay the annual renewal fee before~~
15 ~~the expiration of~~ *renew* his registration ~~before it expires~~, the
16 registration may be reinstated upon the submission of the statement
17 and *the* payment of the ~~reinstatement fee in addition to the~~ annual
18 renewal fee ~~[. A registration may be reinstated under this subsection~~
19 ~~only if the statement is submitted and the fees are paid]~~ *and the*
20 *penalty specified in NRS 119A.360* within 1 year after the
21 registration expires.

22 4. A representative issued a registration shall not change his
23 association to another developer or change his location with the
24 same developer unless he has obtained from the Division a transfer
25 of his registration for its unexpired term. An application to the
26 Division for the transfer of his registration for the unexpired term
27 must be accompanied by the fee specified in NRS 119A.360 for the
28 transfer of registration.

29 **Sec. 55.** NRS 119A.360 is hereby amended to read as follows:
30 119A.360 1. The Division shall collect the following fees at
31 such times and upon such conditions as it may provide by
32 regulation:
33

34		
35	Application fee for preliminary permit to sell	
36	time shares	\$250
37	Application fee] <i>For each application for the</i>	
38	registration of <i>a</i> representative.....	[65] 85
39	For <i>each</i> renewal of <i>the</i> registration of <i>a</i>	
40	representative	[65] 85
41	Application fee for] <i>For each transfer of the</i>	
42	registration of <i>a</i> representative to <i>a</i> different	
43	developer or location.....	20
44	For reinstatement] <i>each penalty for a late</i>	
45	<i>renewal of the</i> registration of <i>a</i> representative	[25] 40



1 *For each preliminary permit to sell time shares \$275*
2 For each permit to sell time shares, per
3 subdivision 500
4 For each amendment to a public offering
5 statement after the issuance of the report..... ~~100~~ 150
6 For *each* renewal of a permit *to sell time shares* 500
7 *For each original and annual registration of a*
8 *manager*..... 75
9 *For each application for an original license as a*
10 *sales agent* 175
11 *For each renewal of a license as a sales agent* 175
12 *For each penalty for a late renewal of a license*
13 *as a sales agent*..... 75
14 *For each change of name or address* 20
15 *For each duplicate license, permit or*
16 *registration where the original is lost or*
17 *destroyed, and an affidavit is made thereof* 20
18 *For each annual approval of a course of*
19 *instruction offered in preparation for an*
20 *original license or permit*..... 100
21 *For each original accreditation of a course of*
22 *continuing education* 100
23 *For each renewal of accreditation of a course of*
24 *continuing education* 50

25
26 2. Each developer shall pay an additional fee for each time
27 share he sells in a time-share plan over 50 pursuant to the following
28 schedule:
29

30
31 Number of time shares
32
33 51—250 \$5.00
34 251—500 4.00
35 501—750 3.00
36 751—1500 2.50
37 over 1500 1.00
38

39 3. Except for the fees relating to the registration of a
40 representative, the Administrator may reduce the fees established by
41 this section if the reduction is equitable in relation to the costs of
42 carrying out the provisions of this chapter.

43 ***4. The Division shall adopt regulations which establish the***
44 ***fees to be charged and collected by the Division to pay the costs of:***



1 (a) *Any examination for a license, including any costs which*
2 *are necessary for the administration of such an examination.*

3 (b) *Any investigation of a person's background.*

4 **Sec. 56.** NRS 119A.532 is hereby amended to read as follows:
5 119A.532 1. A person who wishes to engage in the business
6 of, act in the capacity of, advertise or assume to act as a manager
7 shall register with the Division on a form prescribed by the
8 Division.

9 2. The form for registration must include, without limitation:

10 (a) The registered name of the time-share plan or the project, or
11 both, that the manager will manage;

12 (b) The address and telephone number of the manager's
13 principal place of business;

14 (c) The social security number of the manager; and

15 (d) The name of the manager's responsible managing employee.

16 3. The form for registration must be accompanied by:

17 (a) Satisfactory evidence, acceptable to the Division, that the
18 manager and his employees have obtained fidelity bonds in
19 accordance with regulations adopted by the Division; and

20 (b) The statement required pursuant to NRS 119A.263.

21 4. The Division ~~may collect a fee for registering a manager in~~
22 ~~an amount not to exceed the administrative costs of~~ *shall collect*
23 *the fee specified in NRS 119A.360 upon* registering the manager ~~and~~
24 *and annually thereafter to maintain the registration.*

25 5. As used in this section, "responsible managing employee"
26 means the person designated by the manager to:

27 (a) Make technical and administrative decisions in connection
28 with the manager's business; and

29 (b) Hire, superintend, promote, transfer, lay off, discipline or
30 discharge other employees or recommend such action on behalf of
31 the manager.

32 **Sec. 57.** Chapter 119B of NRS is hereby amended by adding
33 thereto the provisions set forth as sections 58 to 61, inclusive, of this
34 act.

35 **Sec. 58.** *"Division" means the Real Estate Division of the*
36 *Department of Business and Industry.*

37 **Sec. 59. 1.** *The Administrator may adopt regulations which*
38 *establish procedures for the Division to conduct business*
39 *electronically pursuant to title 59 of NRS with persons who are*
40 *regulated pursuant to this chapter and with any other persons with*
41 *whom the Division conducts business. The regulations may*
42 *include, without limitation, the establishment of fees to pay the*
43 *costs of conducting business electronically with the Division.*

44 **2.** *In addition to the process authorized by NRS 719.280, if*
45 *the Division is conducting business electronically with a person*



1 *and a law requires a signature or record to be notarized,*
2 *acknowledged, verified or made under oath, the Division may*
3 *allow the person to substitute a declaration that complies with the*
4 *provisions of NRS 53.045 to satisfy the legal requirement.*

5 *3. The Division may refuse to conduct business electronically*
6 *with a person who has failed to pay money which the person owes*
7 *to the Division.*

8 **Sec. 60.** *In addition to any other remedy or penalty, the*
9 *Administrator may:*

10 *1. Refuse to issue a permit to a person who has failed to pay*
11 *money which the person owes to the Division.*

12 *2. Refuse to renew, or suspend or revoke, the permit of a*
13 *person who has failed to pay money which the person owes to the*
14 *Division.*

15 **Sec. 61.** *1. In addition to any other remedy or penalty, the*
16 *Administrator may impose an administrative fine against any*
17 *person who knowingly:*

18 *(a) Engages or offers to engage in any activity for which a*
19 *permit or any type of authorization is required pursuant to this*
20 *chapter, or any regulation adopted pursuant thereto, if the person*
21 *does not hold the required permit or has not been given the*
22 *required authorization; or*

23 *(b) Assists or offers to assist another person to commit a*
24 *violation described in paragraph (a).*

25 *2. If the Administrator imposes an administrative fine against*
26 *a person pursuant to this section, the amount of the administrative*
27 *fine may not exceed the amount of any gain or economic benefit*
28 *that the person derived from the violation or \$5,000, whichever*
29 *amount is greater.*

30 *3. In determining the appropriate amount of the*
31 *administrative fine, the Administrator shall consider:*

32 *(a) The severity of the violation and the degree of any harm*
33 *that the violation caused to other persons;*

34 *(b) The nature and amount of any gain or economic benefit*
35 *that the person derived from the violation;*

36 *(c) The person's history or record of other violations; and*

37 *(d) Any other facts or circumstances that the Administrator*
38 *deems to be relevant.*

39 *4. Before the Administrator may impose the administrative*
40 *fine, the Administrator must provide the person with notice and an*
41 *opportunity to be heard.*

42 *5. The person is entitled to judicial review of the decision of*
43 *the Administrator in the manner provided by chapter 233B of*
44 *NRS.*



1 **6. The provisions of this section do not apply to a person who**
2 **engages or offers to engage in activities within the purview of this**
3 **chapter if:**

4 (a) **A specific statute exempts the person from complying with**
5 **the provisions of this chapter with regard to those activities; and**

6 (b) **The person is acting in accordance with the exemption**
7 **while engaging or offering to engage in those activities.**

8 **Sec. 62.** NRS 119B.010 is hereby amended to read as follows:
9 119B.010 As used in this chapter, unless the context otherwise
10 requires, the words and terms defined in NRS 119B.020 to
11 119B.100, inclusive, **and section 58 of this act** have the meanings
12 ascribed to them in those sections.

13 **Sec. 63.** NRS 119B.210 is hereby amended to read as follows:
14 119B.210 1. The Administrator shall collect the following
15 fees at such times and upon such conditions as he may provide by
16 regulation:

17	
18	For an initial permit to sell memberships in a
19	campground..... \$500
20	For each renewal of a permit 500
21	For each amendment to a public offering
22	statement after the issuance of the report..... 100 150
23	Application fee For each application for the
24	registration of a representative..... 65 85
25	For each renewal of the registration of a
26	representative 65 85
27	For each transfer of a the registration of a
28	representative to a different developer or
29	location..... 20
30	For reinstatement each penalty for a late
31	renewal of the registration of a representative 25 40
32	For each change of name or address 20
33	

34 2. Each developer shall pay an additional fee for each
35 membership he sells in a campground in which more than 50
36 memberships are available pursuant to the following schedule:

37	
38	
39	Number of memberships
40	
41	51—250 \$5.00
42	251—500 4.00
43	501—750 3.00
44	751—1500 2.50
45	over 1500 1.00



1 3. The Administrator may reduce the fees established by this
2 section if the reduction is equitable in relation to the costs of
3 carrying out the provisions of this chapter.

4 **Sec. 64.** NRS 645.849 is hereby repealed.

5 **Sec. 65.** 1. This act becomes effective on July 1, 2003.

6 2. Sections 11, 17, 25, 53, 54 and 56 of this act expire by
7 limitation on the date on which the provisions of 42 U.S.C. § 666
8 requiring each state to establish procedures under which the state
9 has authority to withhold or suspend, or to restrict the use of
10 professional, occupational and recreational licenses of persons who:

11 (a) Have failed to comply with a subpoena or warrant relating to
12 a proceeding to determine the paternity of a child or to establish or
13 enforce an obligation for the support of a child; or

14 (b) Are in arrears in the payment for the support of one or more
15 children,

16 are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

**645.849 Filing false document with Administrator
unlawful; penalty.**

1. It is unlawful for any person to file with the Administrator
any notice, statement or other document required under the
provisions of NRS 645.841 to 645.8494, inclusive, which is false or
which contains any willful, material misstatement of fact.

2. Violation of subsection 1 is a gross misdemeanor.

