

SENATE BILL NO. 457—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 24, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Prohibits use of false or misleading educational
credentials. (BDR 34-1311)

FISCAL NOTE: Effect on Local Government: Yes.
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 education; prohibiting under certain
circumstances the use or attempted use of a false or
misleading educational credential; providing a penalty;
and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 394 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *It is unlawful for a person knowingly to use or attempt to*
4 *use a false or misleading educational credential in connection*
5 *with any education, business, employment, occupation, profession,*
6 *trade or public office.*
7 2. *For the purposes of this section, an educational credential*
8 *is false or misleading if it:*
9 (a) *States or suggests that the person named in the credential*
10 *has completed the requirements of an academic or professional*
11 *program of study in a particular field of endeavor beyond the*
12 *secondary school level and the person has not, in fact, completed*
13 *the requirements of the program of study;*
14 (b) *Is offered as his own by a person other than the person*
15 *who completed the requirements of the program of study; or*
16 (c) *Is given in violation of NRS 394.630.*



* S B 4 5 7 R 1 *

1 **Sec. 2.** NRS 394.125 is hereby amended to read as follows:
2 394.125 It is the policy of this state to encourage and enable its
3 ~~citizens~~ *residents* to receive an education commensurate with their
4 respective talents and desires. The Legislature recognizes that
5 privately owned institutions offering elementary, secondary and
6 postsecondary education and vocational and professional instruction
7 perform a necessary service to the ~~citizens~~ *residents* of this state. It
8 is the purpose of this chapter to provide for the protection, education
9 and welfare of the ~~citizens~~ *residents* of the State of Nevada, its
10 educational, vocational and professional institutions, and its
11 students, by:

- 12 1. Establishing minimum standards concerning quality of
13 education, ethical and business practices, health and safety, and
14 fiscal responsibility, to protect against substandard, transient,
15 unethical, deceptive or fraudulent institutions and practices;
- 16 2. Prohibiting the granting *or use* of false or misleading
17 educational credentials;
- 18 3. Regulating the use of academic terminology in naming or
19 otherwise designating educational institutions;
- 20 4. Prohibiting misleading literature, advertising, solicitation or
21 representation by educational institutions or their agents;
- 22 5. Providing for the preservation of essential academic records;
23 and
- 24 6. Providing certain rights and remedies to the consuming
25 public and the Commission and the Board necessary to effectuate
26 the purposes of this chapter.

27 **Sec. 3.** NRS 394.620 is hereby amended to read as follows:
28 394.620 As used in NRS 394.620 to 394.670, inclusive ~~§~~ ,
29 *and section 1 of this act:*

- 30 1. “Degree” means any statement, diploma, certificate or other
31 writing in any language which indicates or represents, or which is
32 intended to indicate or represent, that the person named thereon is
33 learned in or has satisfactorily completed the requirements of an
34 academic or professional program of study in a particular field of
35 endeavor beyond the secondary school level as a result of formal
36 preparation or training.
- 37 2. “Honorary degree” means any statement, diploma,
38 certificate or other writing in any language which indicates or
39 represents, or which is intended to indicate or represent, that the
40 person named thereon is learned in any field of public service or has
41 performed outstanding public service or that the person named
42 thereon has demonstrated proficiency in a field of endeavor without
43 having completed formal courses of instruction or study or formal
44 preparation or training.



1 **Sec. 4.** NRS 394.650 is hereby amended to read as follows:
2 394.650 Any person, *including, without limitation, any* firm,
3 partnership, corporation, association or ~~any~~ other organization ,
4 which violates any ~~of the provisions~~ *provision* of NRS 394.620 to
5 394.640, inclusive, *and section 1 of this act* is liable for a civil
6 penalty not to exceed \$2,500 for each violation, which ~~shall~~ *may*
7 be recovered in a civil action ~~[-]~~ brought in the name of the State of
8 Nevada by the Attorney General or by any district attorney in a
9 court of competent jurisdiction. As used in this section, “each
10 violation” includes, as a single violation, a continuous or repetitive
11 violation arising out of the same act.

12 **Sec. 5.** NRS 394.660 is hereby amended to read as follows:
13 394.660 The Attorney General or any district attorney may
14 bring an action in any court of competent jurisdiction, either as a
15 part of any action brought pursuant to NRS 394.650 or as a separate
16 action, to enjoin ~~any~~ *a* violation of ~~the provisions~~ *any provision*
17 of NRS 394.620 to 394.640, inclusive ~~[-]~~, *and section 1 of this act.*

18 **Sec. 6.** NRS 394.670 is hereby amended to read as follows:
19 394.670 Every person who violates any ~~of the provisions~~
20 *provision* of NRS 394.620 to 394.640, inclusive, *and section 1 of*
21 *this act* is guilty of a gross misdemeanor. Each day’s violation is a
22 separate offense.

23 **Sec. 7.** NRS 205.420 is hereby amended to read as follows:
24 205.420 Every person who ~~shall conduct~~ *conducts* any
25 business or ~~perform~~ *performs* any act under color of, or ~~file~~ *files*
26 for record with any public officer, any false or fraudulent permit,
27 license ~~[-, diploma]~~ or writing, or any permit, license ~~[-, diploma]~~ or
28 writing not lawfully belonging to ~~such~~ *that* person, or who ~~shall~~
29 ~~obtain~~ *obtains* any permit, license, diploma or writing by color or
30 aid of any false representation, pretense, personation, token or
31 writing, ~~shall be~~ *is* guilty of a gross misdemeanor.

32 **Sec. 8.** This act becomes effective on July 1, 2003.

