

CHAPTER.....

AN ACT relating to trade practices; requiring a business that accepts a driver’s license for the purpose of identification to also accept a permanent resident card for that purpose; including permanent resident cards as proof of identity for various purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances. (NRS 232.006, 237.200) **Sections 8 and 9** of this bill similarly authorize state and local governmental entities to accept a permanent resident card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security for the purpose of identifying a person. **Section 1** of this bill prohibits a business that accepts a driver’s license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person from refusing to accept a permanent resident card for the same purpose. **Sections 2-7 and 10-13** of this bill revise various provisions of existing law to provide for the use of a permanent resident card as proof of identity.

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

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a business accepts a driver’s license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a customer, the business shall not refuse to accept a permanent resident card for the same purpose.

2. As used in this section, “permanent resident card” means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

Sec. 2. NRS 597.940 is hereby amended to read as follows:

597.940 1. Except as otherwise provided in this subsection, a business shall not, without the customer’s consent, record the account number of any of a customer’s credit cards on the customer’s check or draft as a condition of accepting that check or draft. This subsection does not prohibit:



(a) The business from requiring the customer to produce reasonable forms of positive identification other than a credit card, including, without limitation:

(1) A driver's license;

(2) An identification card issued by the Department of Motor Vehicles; ~~for~~

(3) *A permanent resident card; or*

(4) A consular identification card,

→ as a condition of accepting a check or draft.

(b) The business from requesting the customer to display a credit card as an indicia of creditworthiness or financial responsibility, if the only information recorded by the business concerning the credit card is the type of credit card displayed, the issuer of the card and the date the card expires.

(c) The business from requesting the customer to record the account number of his or her credit card on the check or draft with which payment on the credit card account is being made.

(d) The business from requesting the production of or recording of the account number of a credit card as a condition of cashing a check or draft if:

(1) The business has agreed with the issuer of the credit card to cash the checks or drafts as a service to the cardholders of the issuer;

(2) The issuer has agreed to guarantee any such check or draft so cashed; and

(3) The cardholder has given actual, apparent or implied authority for the use of his or her account number for this purpose.

2. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record a customer's telephone number on the credit card sales slip as a condition of accepting his or her credit card. This subsection does not:

(a) Prohibit the recordation of personal identifying information required for a special purpose incidental to the use of the credit card, such as the delivery, shipping, servicing or installation of the purchased merchandise.

(b) Apply to a transaction in which the customer receives a cash advance against his or her credit card or to a transaction involving the use of preprinted spaces for personal identifying information that the business accepting the credit card has a contractual obligation to record in order to complete the transaction.

(c) Apply to a transaction in which the customer's purchase is made by the use of a device that electronically authorizes the use of the credit card and processes information relating thereto.



3. As used in this section, unless the context otherwise requires:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Credit card" has the meaning ascribed to it in NRS 205.630.

(c) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(d) "Permanent resident card" means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

Sec. 3. NRS 97A.142 is hereby amended to read as follows:

97A.142 1. If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting the offer is the same person to whom the offer was made before sending the person the credit card.

2. A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:

(a) Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his or her acceptance of the solicitation;

(b) Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver's license, ~~or~~ passport ~~or~~ ***or permanent resident card***, which confirms that the person accepting the solicitation is the person to whom the solicitation was made; or

(c) Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.

3. For the purposes of this section:

(a) "Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(l).

(b) "Permanent resident card" means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(c) "Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer



or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.

Sec. 4. NRS 125D.180 is hereby amended to read as follows:

125D.180 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

- (a) Has previously abducted or attempted to abduct the child;
- (b) Has threatened to abduct the child;
- (c) Has recently engaged in activities that may indicate a planned abduction, including:
 - (1) Abandoning employment;
 - (2) Selling a primary residence;
 - (3) Terminating a lease;
 - (4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;
 - (5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or
 - (6) Seeking to obtain the child's birth certificate or school or medical records;
- (d) Has engaged in domestic violence, stalking, or child abuse or neglect;
- (e) Has refused to follow a child custody determination;
- (f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;
- (g) Has strong familial, financial, emotional or cultural ties to another state or country;
- (h) Is likely to take the child to a country that:
 - (1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;
 - (2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:
 - (I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;
 - (II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or
 - (III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;



(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) Has had an application for United States citizenship denied;

(k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license, *a permanent resident card* or other government-issued identification card or has made a misrepresentation to the United States Government;

(l) Has used multiple names to attempt to mislead or defraud; or

(m) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

3. If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.



Sec. 5. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; ~~or~~

(5) A valid passport number ~~H~~ ; *or*

(6) A valid permanent resident card number.

↪ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for



services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; ~~†~~
- (5) A valid passport number ~~†~~; *or*

(6) A valid permanent resident card number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.



(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

Sec. 6. NRS 159.2025 is hereby amended to read as follows:

159.2025 If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this



State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register and the reason for registration, may register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State:

1. Certified copies of the order and letters of office; and
2. A copy of the guardian's driver's license, passport , *permanent resident card* or other valid photo identification card in a sealed envelope.

Sec. 7. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100. As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products, the person:

(a) Demands that the other person present a valid driver's license , *permanent resident card* or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license , *permanent resident card* or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license , *permanent resident card* or written or documentary evidence presented by the other person.



4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco, products made or derived from tobacco, vapor products or alternative nicotine products, in the course of the child's lawful employment, provide tobacco, products made or derived from tobacco, vapor products or alternative nicotine products to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco, vapor product or alternative nicotine product is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

↳ A person who violates this subsection shall be punished by a fine of not more than \$100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

↳ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 8. NRS 232.006 is hereby amended to read as follows:

232.006 1. Except as otherwise provided in subsection 2 and NRS 483.290, 483.860 and 486.081, with respect to any activity or



transaction in which a state agency accepts an identification card issued by the Department of Motor Vehicles to identify a person, the state agency may also accept a consular identification card *or permanent resident card* to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card *or permanent resident card* for purposes of identification and do not convey an independent right to receive benefits of any type.

3. As used in this section:

(a) “Consular identification card” means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) “Identification card issued by the Department of Motor Vehicles” means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) *“Permanent resident card” means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.*

(d) “State agency” means every public agency, bureau, board, commission, department or division of the Executive Department of State Government.

Sec. 9. NRS 237.200 is hereby amended to read as follows:

237.200 1. Except as otherwise provided in subsection 2, with respect to any activity or transaction in which a local government accepts an identification card issued by the Department of Motor Vehicles to identify a person, the local government may also accept a consular identification card *or permanent resident card* to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card *or permanent resident card* for purposes of identification and do not convey an independent right to receive benefits of any type.

3. As used in this section:

(a) “Consular identification card” means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) “Identification card issued by the Department of Motor Vehicles” means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) “Local government” has the meaning ascribed to it in NRS 237.050.



(d) “Permanent resident card” means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

Sec. 10. NRS 476.220 is hereby amended to read as follows:

476.220 1. Except as otherwise provided in subsection 2, any person who distributes:

(a) Black powder to a person under the age of 18 years; or

(b) Smokeless gunpowder to a person:

(1) Under the age of 18 years; or

(2) Under the age of 21 years, if the smokeless gunpowder is intended for use other than in a rifle or shotgun,

↳ is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person distributes black powder or smokeless gunpowder to another person, the person:

(a) Asks the other person to declare the intended use for the black powder or smokeless gunpowder;

(b) Demands that the other person present a valid driver’s license , ***permanent resident card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1;

(c) Is presented a valid driver’s license , ***permanent resident card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1; and

(d) Reasonably relies upon the declaration of intended use by the other person and the driver’s license , ***permanent resident card*** or other written or documentary evidence presented by the other person.

3. As used in this section ~~“distribute”~~:

(a) ***“Distribute”*** has the meaning ascribed to it in NRS 476.010.

(b) ***“Permanent resident card” means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.***

Sec. 11. NRS 643.184 is hereby amended to read as follows:

643.184 A person who is required to display a license issued pursuant to the provisions of this chapter shall, upon the request of an authorized representative of the Board, provide to that representative identification in the form of a driver’s license , ~~for~~ identification card ***or permanent resident card*** with a photograph that has been issued by a state, the District of Columbia or the United States.



Sec. 12. NRS 644.208 is hereby amended to read as follows:

644.208 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

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

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license, ~~for~~ identification card *or permanent resident card* issued to the applicant by this State or another state,



the District of Columbia , *the United States* or any territory of the United States;

- (2) The birth certificate of the applicant; or
- (3) The current passport issued to the applicant.

Sec. 13. NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of \$200, and who:

- (a) Is not less than 18 years of age.
- (b) Is of good moral character.
- (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
- (d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

- (1) Has submitted to the Board proof of the license; and
- (2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

- (1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and
- (2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license , ~~for~~ identification card *or permanent resident card* issued to the applicant by this State or another state, the District of Columbia , *the United States* or any territory of the United States;

- (2) The birth certificate of the applicant; or
- (3) The current passport issued to the applicant.



Sec. 14. This act becomes effective on July 1, 2017.

