

ASSEMBLY BILL NO. 173—ASSEMBLYMEN HICKEY,
O’NEILL AND KIRNER

FEBRUARY 18, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing private investigators.
(BDR 54-758)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to private investigations; exempting certain professionals who provide information security from regulation as a private investigator; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person engaging in the business of a private
2 investigator must be licensed by and is subject to the regulation of the Private
3 Investigator’s Licensing Board. (NRS 648.060) Existing law defines a private
4 investigator to include a person who conducts an investigation through the review
5 or analysis of computerized data not available to the public. (NRS 648.012) **Section**
6 **1** of this bill defines the term “information security.” **Section 2.5** of this bill revises
7 the definition of “private investigator” to exclude from the definition certain
8 professionals who provide information security. **Section 3** of this bill exempts
9 certain professionals who provide information security from the provisions of NRS
10 governing private investigators.

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

1 **Section 1.** Chapter 648 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Information security” has the meaning ascribed to it in 44*
4 *U.S.C. § 3552. The term includes restoring the integrity,*
5 *confidentiality and availability of information and information*
6 *systems after a data breach, suspected data breach or other data*
7 *security incident.*



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1 **Sec. 2.** NRS 648.005 is hereby amended to read as follows:
2 648.005 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 648.006 to 648.016,
4 inclusive, *and section 1 of this act* have the meanings ascribed to
5 them in those sections.

6 **Sec. 2.5.** NRS 648.012 is hereby amended to read as follows:
7 648.012 **1.** “Private investigator” means any person who for
8 any consideration engages in business or accepts employment to
9 furnish, or agrees to make or makes any investigation for the
10 purpose of obtaining ~~1, including, without limitation, through the~~
11 ~~review, analysis and investigation of computerized data not~~
12 ~~available to the public,] information with reference to:~~

13 ~~1-1~~ **(a)** The identity, habits, conduct, business, occupation,
14 honesty, integrity, credibility, knowledge, trustworthiness,
15 efficiency, loyalty, activity, movement, whereabouts, affiliations,
16 associations, transactions, acts, reputation or character of any
17 person;

18 ~~1-2~~ **(b)** The location, disposition or recovery of lost or stolen
19 property;

20 ~~1-3~~ **(c)** The cause or responsibility for fires, libels, losses,
21 accidents or damage or injury to persons or to property;

22 ~~1-4~~ **(d)** A crime or tort that has been committed, attempted,
23 threatened or suspected, except an expert witness or a consultant
24 who is retained for litigation or a trial, or in anticipation of litigation
25 or a trial, and who performs duties and tasks within his or her field
26 of expertise that are necessary to form his or her opinion;

27 ~~1-5~~ **(e)** Securing evidence to be used before any court, board,
28 officer or investigating committee; or

29 ~~1-6~~ **(f)** The prevention, detection and removal of surreptitiously
30 installed devices for eavesdropping or observation.

31 **2. The term does not include:**

32 **(a) Any person who is accessing exclusively public records,**
33 **public databases or any other public information; or**

34 **(b) Any person who for any consideration engages in business**
35 **or accepts employment to provide information security.**

36 **Sec. 3.** NRS 648.018 is hereby amended to read as follows:
37 648.018 Except as to polygraphic examiners and interns, this
38 chapter does not apply:

39 1. To any detective or officer belonging to the law enforcement
40 agencies of the State of Nevada or the United States, or of any
41 county or city of the State of Nevada, while the detective or officer
42 is engaged in the performance of his or her official duties.

43 2. To special police officers appointed by the police
44 department of any city, county, or city and county within the State



- 1 of Nevada while the officer is engaged in the performance of his or
2 her official duties.
- 3 3. To insurance adjusters and their associate adjusters licensed
4 pursuant to the Nevada Insurance Adjusters Law who are not
5 otherwise engaged in the business of private investigators.
- 6 4. To any private investigator, private patrol officer, process
7 server, dog handler or security consultant employed by an employer
8 regularly in connection with the affairs of that employer if a bona
9 fide employer-employee relationship exists, except as otherwise
10 provided in NRS 648.060, 648.140 and 648.203.
- 11 5. To a reposessor employed exclusively by one employer
12 regularly in connection with the affairs of that employer if a bona
13 fide employer-employee relationship exists, except as otherwise
14 provided in NRS 648.060, 648.140 and 648.203.
- 15 6. To a person engaged exclusively in the business of obtaining
16 and furnishing information as to the financial rating of persons.
- 17 7. To a charitable philanthropic society or association
18 incorporated under the laws of this State which is organized and
19 maintained for the public good and not for private profit.
- 20 8. To an attorney at law in performing his or her duties as such.
- 21 9. To a collection agency unless engaged in business as a
22 reposessor, licensed by the Commissioner of Financial Institutions,
23 or an employee thereof while acting within the scope of his or her
24 employment while making an investigation incidental to the
25 business of the agency, including an investigation of the location of
26 a debtor or his or her assets and of property which the client has an
27 interest in or lien upon.
- 28 10. To admitted insurers and agents and insurance brokers
29 licensed by the State, performing duties in connection with
30 insurance transacted by them.
- 31 11. To any bank organized pursuant to the laws of this State or
32 to any national bank engaged in banking in this State.
- 33 12. To any person employed to administer a program of
34 supervision for persons who are serving terms of residential
35 confinement.
- 36 13. To any commercial registered agent, as defined in NRS
37 77.040, who obtains copies of, examines or extracts information
38 from public records maintained by any foreign, federal, state or
39 local government, or any agency or political subdivision of any
40 foreign, federal, state or local government.
- 41 14. To any holder of a certificate of certified public accountant
42 issued by the Nevada State Board of Accountancy pursuant to
43 chapter 628 of NRS while performing his or her duties pursuant to
44 the certificate.



1 15. To a person performing the repair or maintenance of a
2 computer who performs a review or analysis of data contained on a
3 computer solely for the purposes of diagnosing a computer hardware
4 or software problem and who is not otherwise engaged in the
5 business of a private investigator.

6 ***16. To any person who for any consideration engages in***
7 ***business or accepts employment to provide information security.***

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