

ASSEMBLY BILL NO. 61—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to trade practices.
(BDR 52-424)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 trade practices; increasing penalties for certain offenses relating to the use of a device for automatic dialing and announcing; establishing certain practices as deceptive trade practices; authorizing a court to impose additional civil penalties for certain deceptive trade practices under certain circumstances; revising provisions relating to the initiation of certain administrative hearings; revising the penalties for willfully and knowingly engaging in a deceptive trade practice; eliminating the statute of limitations for certain civil actions and criminal prosecutions involving deceptive trade practices; authorizing the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to have access to certain records; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law defines activities that constitute deceptive trade practices and
2 provides for the imposition of civil and criminal penalties against persons who
3 engage in deceptive trade practices. (Chapter 598 of NRS) **Sections 1, 3, 4, 7, 19**
4 and **20** of this bill establish certain additional activities as deceptive trade practices.



5 Existing law makes it a misdemeanor to use a device for automatic dialing and
6 announcing to disseminate a prerecorded message in a telephone call under certain
7 circumstances. (NRS 597.814, 597.818) **Section 1** of this bill increases the
8 punishment for such action to a category C felony and provides for a maximum
9 civil penalty of \$10,000. Additionally, **section 1** provides that such action
10 constitutes a deceptive trade practice.

11 **Section 3** of this bill makes it a deceptive trade practice to sell, rent or offer to
12 sell or rent certain goods and services during a state of emergency or declaration of
13 disaster for a price that is grossly in excess of the usual price for that good or
14 service. **Section 3** sets forth certain criteria for determining whether a price for a
15 good or service is grossly in excess of its usual price. **Section 7** of this bill makes it
16 a deceptive trade practice to use an “unconscionable practice” in a transaction,
17 which is generally defined to mean any act or practice which takes advantage of a
18 consumer to a grossly unfair degree.

19 The federal Pallone-Thune Robocall Abuse Criminal Enforcement and
20 Deterrence Act requires the Federal Communications Commission to adopt certain
21 regulations and take certain other actions to deter the use of automated and
22 unauthenticated telephone calls. (Pub. L. No. 116-105) **Section 4** of this bill makes
23 it a deceptive trade practice to violate any provision of the Act or the regulations
24 adopted pursuant thereto.

25 Existing law imposes certain requirements on certain entities that handle
26 personal nonpublic information relating to the security of such information. (NRS
27 603A.010-603A.290) Similarly, existing law imposes certain requirements on
28 operators of Internet websites or online services relating to the collection and sale
29 of personal information. (NRS 603A.300-603A.360) **Sections 19 and 20** of this bill
30 make it a deceptive trade practice to violate any of these provisions of existing law.

31 Existing law authorizes the Director of the Department of Business and
32 Industry to impose certain penalties upon a person who has engaged in a deceptive
33 trade practice after a hearing that is initiated by the Commissioner of Consumer
34 Affairs serving an order upon the person. (NRS 598.0971) **Section 12** of this bill
35 authorizes the Attorney General to also initiate such a hearing before the Director
36 and provides additional means for serving an order upon a person.

37 Existing law authorizes a court, in certain actions relating to the enforcement of
38 the provisions prohibiting deceptive trade practices, to impose an additional
39 maximum civil penalty of \$12,500 if the court finds that a person has engaged in a
40 deceptive trade practice directed toward an elderly person or a person with a
41 disability. (NRS 598.0973) **Section 13** of this bill authorizes a court to impose such
42 a civil penalty in certain additional actions. **Section 5** of this bill similarly
43 authorizes a court to impose an additional maximum civil penalty in certain actions
44 if the court finds that a person has engaged in a deceptive trade practice directed
45 toward a person who is 17 years of age or younger.

46 **Section 17** of this bill revises the criminal penalties imposed for engaging in a
47 deceptive trade practice. Under **section 17**, knowingly and willfully engaging in a
48 deceptive trade practice is a misdemeanor, except if the offense involves a loss of
49 property or services of at least \$1,200. For those offenses, **section 17** establishes a
50 tier of penalties based on the value of the property or services which generally
51 mirror the penalties for theft. (NRS 205.0835, 598.0999)

52 Existing law sets forth limitations on the time in which certain civil actions and
53 criminal prosecutions relating to deceptive trade practices are required to be
54 commenced. (NRS 11.190, NRS 171.085, 171.090) **Sections 25, 26 and 28-30** of
55 this bill eliminate these limitations and instead provide that there is no limitation on
56 the time in which such a civil action or criminal prosecution is required to be
57 commenced.

58 **Section 31** authorizes the Consumer’s Advocate of the Bureau of Consumer
59 Protection in the Office of the Attorney General to have access to all records in the



60 possession of any agency of this State that he or she determines are necessary to
61 exercise his or her powers relating to consumer protection.

62 **Sections 6, 8-11, 14-16, 21-24, 27 and 32-35** of this bill make conforming
63 changes to indicate the proper placement of language added to the Nevada Revised
64 Statutes by this bill.

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

1 **Section 1.** NRS 597.818 is hereby amended to read as follows:
2 597.818 1. A person who violates any provision of NRS
3 597.814 is guilty of a ~~misdemeanor~~ **category C felony and shall**
4 **be punished as provided in NRS 193.130.**

5 2. If a person is found guilty or guilty but mentally ill of, or has
6 pleaded guilty, guilty but mentally ill or nolo contendere to,
7 violating any provision of NRS 597.814, his or her telephone
8 service to which a device for automatic dialing and announcing has
9 been connected must be suspended for a period determined by the
10 court.

11 **3. In addition to any other penalty, a person who violates any**
12 **provision of NRS 597.814 is subject to a civil penalty of not more**
13 **than \$10,000 for each violation.**

14 **4. A violation of any provision of NRS 597.814 constitutes a**
15 **deceptive trade practice for the purposes of NRS 598.0903 to**
16 **598.0999, inclusive, and sections 3, 4 and 5 of this act.**

17 **Sec. 2.** Chapter 598 of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 3, 4 and 5 of this act.

19 **Sec. 3. 1. A person engages in a “deceptive trade practice”**
20 **when, during a state of emergency or declaration of disaster**
21 **proclaimed pursuant to NRS 414.070, the person sells, rents or**
22 **offers to sell or rent any of the following goods or services in an**
23 **emergency or disaster area for a price that is grossly in excess of**
24 **the usual price for that good or service:**

25 **(a) Consumer goods and services used, bought or rendered**
26 **primarily for personal, family or household purposes;**

27 **(b) Medical supplies and services used for the care, cure,**
28 **mitigation, treatment or prevention of any illness or disease;**

29 **(c) Services related to the repair or reconstruction of property;**
30 **or**

31 **(d) Any other goods or services that are commonly used in**
32 **responding to the type of emergency or disaster for which the state**
33 **of emergency or declaration of disaster was proclaimed.**

34 **2. Whether a price for a good or service is grossly in excess of**
35 **the usual price for that good or service for the purposes of**
36 **subsection 1 is a question of law to be determined by considering**



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1 *all relevant circumstances, including, without limitation, the price
2 of the good or service prevailing in the emergency or disaster area
3 in the 30 days before the state of emergency or declaration of
4 disaster was proclaimed.*

5 *3. A price for a good or service is not grossly in excess of the
6 usual price for that good or service for the purposes of subsection
7 1 if the price is:*

8 *(a) Related to an additional cost imposed by a supplier of a
9 good or other costs of providing the good or service, including,
10 without limitation, an additional cost for labor or materials used to
11 provide a service;*

12 *(b) Ten percent or less above the usual price for the good or
13 service;*

14 *(c) Ten percent or less above the sum of the costs of the person
15 and normal markup for a good or service;*

16 *(d) Generally consistent with seasonal fluctuations or
17 fluctuations in applicable commodity, regional, national or
18 international markets; or*

19 *(e) A contract price, or the result of a price formula,
20 established before the state of emergency or declaration of disaster
21 was proclaimed.*

22 *4. A person who offers to sell or rent a good or service for a
23 price that would otherwise violate subsection 1 does not commit a
24 “deceptive trade practice” if the offer states that the good or
25 service is not offered for sale or rent in the emergency or disaster
26 area.*

27 *5. The provisions of this section do not apply to:*

28 *(a) A transaction for the sale or rental of a good or service
29 which occurs wholly outside the State; or*

30 *(b) A person who does not control the location or price at
31 which a good or service is sold or rented.*

32 *6. As used in this section:*

33 *(a) “Emergency or disaster area” means a particular
34 geographic area that is described in a proclamation of a state of
35 emergency or declaration of disaster by the Governor or
36 Legislature pursuant to NRS 414.070.*

37 *(b) “Usual price” means:*

38 *(1) If a person sold, rented or offered to sell or rent a good
39 or service at a price other than as described in subparagraph (2) in
40 an emergency or disaster area within the 30 days before the state
41 of emergency or declaration of disaster was proclaimed pursuant
42 to NRS 414.070, the price at which the person sold, rented or
43 offered to sell or rent the good or service.*

44 *(2) If a person sold, rented or offered to sell or rent a good
45 or service at a reduced price in an emergency or disaster area*



1 *within the 30 days before the state of emergency or declaration of
2 disaster was proclaimed pursuant to NRS 414.070, the price at
3 which the person usually sells, rents or offers to sell or rent the
4 good or service in the emergency or disaster area.*

5 *(3) If a person did not sell, rent or offer to sell or rent a
6 good or service in an emergency or disaster area within the 30
7 days before the state of emergency or declaration of disaster was
8 proclaimed pursuant to NRS 414.070, the price at which the good
9 or service was generally available in the emergency or disaster
10 area in the 30 days before the state of emergency or declaration of
11 disaster was proclaimed.*

12 **Sec. 4.** *A person engages in a deceptive trade practice when
13 he or she violates any provision of the federal Pallone-Thune
14 Telephone Robocall Abuse Criminal Enforcement and Deterrence
15 Act, Public Law 116-105, or any regulation adopted pursuant
16 thereto.*

17 **Sec. 5. 1.** *Except as otherwise provided in NRS 598.0974,
18 in any action brought pursuant to this section and NRS 598.0903
19 to 598.0999, inclusive, and sections 3 and 4 of this act, if the court
20 finds that a person has engaged in a deceptive trade practice
21 directed toward a minor person, the court may, in addition to any
22 other civil or criminal penalty, impose a civil penalty of not more
23 than \$12,500 for each violation.*

24 **2.** *In determining whether to impose a civil penalty pursuant
25 to subsection 1, the court shall consider whether:*

26 *(a) The conduct of the person was in disregard of the rights of
27 the minor person;*

28 *(b) The person knew or should have known that his or her
29 conduct was directed toward a minor person;*

30 *(c) The minor person was more vulnerable to the conduct of
31 the person because of the age of the minor person;*

32 *(d) The conduct of the person caused the minor person to
33 suffer actual and substantial physical, emotional or economic
34 damage;*

35 *(e) The conduct of the person caused the minor person to
36 suffer:*

37 *(1) Mental or emotional anguish;*

38 *(2) The loss of the principal employment or source of
39 income or support of the minor person;*

40 *(3) The loss of money received from any source;*

41 *(4) The loss of property that had been set aside for
42 education or for personal or family care and maintenance;*

43 *(5) The loss of assets which are essential to the health and
44 welfare of the minor person; or*



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(6) Any other interference with the economic well-being of the minor person; or

(f) Any other factors that the court deems to be appropriate.

3. *As used in this section "minor person" means a person who is 17 years of age or younger.*

Sec. 6. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, **and sections 3, 4 and 5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, **and sections 3 and 4 of this act** have the meanings ascribed to them in those sections.

Sec. 7. NRS 598.0923 is hereby amended to read as follows:

598.0923 **I.** A person engages in a "deceptive trade practice" when in the course of his or her business or occupation he or she knowingly:

11. (a) Conducts the business or occupation without all required state, county or city licenses.

[2.] (b) Fails to disclose a material fact in connection with the sale or lease of goods or services.

[3.] (c) Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

[4.] (d) Uses coercion, duress or intimidation in a transaction.

[5.] (e) *Uses an unconscionable practice in a transaction*

(f) As the seller in a land sale installment contract, fails to:
[E(a)] (1) Disclose in writing to the buyer:

(1) (I) Any encumbrance or other li-

property subject to such contract; or
[2] (II) Any condition known to the seller that would

affect the buyer's use of such property.

(b) (2) Disclose the nature and extent of legal access to the

real property subject to such agreement.

~~(e)~~ (3) Record the land sale installment contract pursuant to NRS 111.315 within 30 calendar days after the date upon which the seller accepts the first payment from the buyer under such a contract.

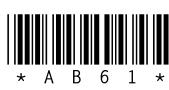
(4) Pay the tax imposed on the land sale installment contract pursuant to chapter 375 of NRS.

(e) (5) Include terms in the land sale installment contract providing rights and protections to the buyer that are substantially the same as those under a foreclosure pursuant to chapter 40 of NRS.

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2. As used in this ~~subsection, "land" section:~~

(a) “Land sale installment contract” has the meaning ascribed to it in paragraph (d) of subsection 1 of NRS 375.010.



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1 **(b) “Unconscionable practice” means an act or practice**
2 **which, to the detriment of a consumer, takes advantage of the lack**
3 **of knowledge, ability, experience or capacity of the consumer to a**
4 **grossly unfair degree.**

5 **Sec. 8.** NRS 598.0953 is hereby amended to read as follows:

6 598.0953 1. Evidence that a person has engaged in a
7 deceptive trade practice is prima facie evidence of intent to injure
8 competitors and to destroy or substantially lessen competition.

9 2. The deceptive trade practices listed in NRS 598.0915 to
10 598.0925, inclusive, **and sections 3 and 4 of this act** are in addition
11 to and do not limit the types of unfair trade practices actionable at
12 common law or defined as such in other statutes of this State.

13 **Sec. 9.** NRS 598.0955 is hereby amended to read as follows:

14 598.0955 1. The provisions of NRS 598.0903 to 598.0999,
15 inclusive, **and sections 3, 4 and 5 of this act** do not apply to:

16 (a) Conduct in compliance with the orders or rules of, or a
17 statute administered by, a federal, state or local governmental
18 agency.

19 (b) Publishers, including outdoor advertising media, advertising
20 agencies, broadcasters or printers engaged in the dissemination of
21 information or reproduction of printed or pictorial matter who
22 publish, broadcast or reproduce material without knowledge of its
23 deceptive character.

24 (c) Actions or appeals pending on July 1, 1973.

25 2. The provisions of NRS 598.0903 to 598.0999, inclusive, **and**
26 **sections 3, 4 and 5 of this act** do not apply to the use by a person of
27 any service mark, trademark, certification mark, collective mark,
28 trade name or other trade identification which was used and not
29 abandoned prior to July 1, 1973, if the use was in good faith and is
30 otherwise lawful except for the provisions of NRS 598.0903 to
31 598.0999, inclusive **H, and sections 3, 4 and 5 of this act**.

32 **Sec. 10.** NRS 598.0963 is hereby amended to read as follows:

33 598.0963 1. Whenever the Attorney General is requested in
34 writing by the Commissioner or the Director to represent him or her
35 in instituting a legal proceeding against a person who has engaged
36 or is engaging in a deceptive trade practice, the Attorney General
37 may bring an action in the name of the State of Nevada against that
38 person on behalf of the Commissioner or Director.

39 2. The Attorney General may institute criminal proceedings to
40 enforce the provisions of NRS 598.0903 to 598.0999, inclusive **H,**
41 **and sections 3, 4 and 5 of this act.** The Attorney General is not
42 required to obtain leave of the court before instituting criminal
43 proceedings pursuant to this subsection.

44 3. If the Attorney General has reason to believe that a person
45 has engaged or is engaging in a deceptive trade practice, the



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1 Attorney General may bring an action in the name of the State of
2 Nevada against that person to obtain a temporary restraining order, a
3 preliminary or permanent injunction, or other appropriate relief.

4 4. If the Attorney General has cause to believe that a person
5 has engaged or is engaging in a deceptive trade practice, the
6 Attorney General may issue a subpoena to require the testimony of
7 any person or the production of any documents, and may administer
8 an oath or affirmation to any person providing such testimony. The
9 subpoena must be served upon the person in the manner required for
10 service of process in this State or by certified mail with return
11 receipt requested. An employee of the Attorney General may
12 personally serve the subpoena.

13 **Sec. 11.** NRS 598.0967 is hereby amended to read as follows:

14 598.0967 1. The Commissioner and the Director, in addition
15 to other powers conferred upon them by NRS 598.0903 to
16 598.0999, inclusive, ***and sections 3, 4 and 5 of this act***, may issue
17 subpoenas to require the attendance of witnesses or the production
18 of documents, conduct hearings in aid of any investigation or
19 inquiry and prescribe such forms and adopt such regulations as may
20 be necessary to administer the provisions of NRS 598.0903 to
21 598.0999, inclusive ***[], and sections 3, 4 and 5 of this act***. Such
22 regulations may include, without limitation, provisions concerning
23 the applicability of the provisions of NRS 598.0903 to 598.0999,
24 inclusive, ***and sections 3, 4 and 5 of this act*** to particular persons or
25 circumstances.

26 2. Except as otherwise provided in this subsection, service of
27 any notice or subpoena must be made by certified mail with return
28 receipt or as otherwise allowed by law. An employee of the
29 Consumer Affairs Division of the Department of Business and
30 Industry may personally serve a subpoena issued pursuant to this
31 section.

32 **Sec. 12.** NRS 598.0971 is hereby amended to read as follows:

33 598.0971 1. If, after an investigation, the Commissioner ***or***
34 ***Attorney General*** has reasonable cause to believe that any person
35 has been engaged or is engaging in any deceptive trade practice in
36 violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 3, 4***
37 ***and 5 of this act***, the Commissioner ***or Attorney General*** may issue
38 an order directed to the person to show cause why the Director
39 should not order the person to cease and desist from engaging in the
40 practice and to pay an administrative fine. The order must contain a
41 statement of the charges and a notice of a hearing to be held thereon.
42 The order must be served upon the person directly, ~~or~~ by certified
43 or registered mail, return receipt requested ***[], or in any other***
44 ***manner permitted by the Nevada Rules of Civil Procedure for the***
45 ***service of process in civil actions.***



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1 2. An administrative hearing on any action brought by the
2 Commissioner **or Attorney General** must be conducted before the
3 Director or his or her designee.

4 3. If, after conducting a hearing pursuant to the provisions of
5 subsection 2, the Director or his or her designee determines that the
6 person has violated any of the provisions of NRS 598.0903 to
7 598.0999, inclusive, **and sections 3, 4 and 5 of this act** or if the
8 person fails to appear for the hearing after being properly served
9 with the statement of charges and notice of hearing, the Director or
10 his or her designee shall issue an order setting forth his or her
11 findings of fact concerning the violation and cause to be served a
12 copy thereof upon the person and any intervener at the hearing. If
13 the Director or his or her designee determines in the report that such
14 a violation has occurred, he or she may order the violator to:

15 (a) Cease and desist from engaging in the practice or other
16 activity constituting the violation;

17 (b) Pay the costs of conducting the investigation, costs of
18 conducting the hearing, costs of reporting services, fees for experts
19 and other witnesses, charges for the rental of a hearing room if such
20 a room is not available to the Director or his or her designee free of
21 charge, charges for providing an independent hearing officer, if any,
22 and charges incurred for any service of process, if the violator is
23 adjudicated to have committed a violation of NRS 598.0903 to
24 598.0999, inclusive **[], and sections 3, 4 and 5 of this act**;

25 (c) Provide restitution for any money or property improperly
26 received or obtained as a result of the violation; and

27 (d) Impose an administrative fine of \$1,000 or treble the amount
28 of restitution ordered, whichever is greater.

29 → The order must be served upon the person directly or by certified
30 or registered mail, return receipt requested. The order becomes
31 effective upon service in the manner provided in this subsection.

32 4. Any person whose pecuniary interests are directly and
33 immediately affected by an order issued pursuant to subsection 3 or
34 who is aggrieved by the order may petition for judicial review in the
35 manner provided in chapter 233B of NRS. Such a petition must be
36 filed within 30 days after the service of the order. The order
37 becomes final upon the filing of the petition.

38 5. If a person fails to comply with any provision of an order
39 issued pursuant to subsection 3, the Commissioner or the Director
40 may, through the Attorney General, at any time after 30 days after
41 the service of the order, cause an action to be instituted in the
42 district court of the county wherein the person resides or has his or
43 her principal place of business requesting the court to enforce the
44 provisions of the order or to provide any other appropriate
45 injunctive relief.



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1 6. If the court finds that:

2 (a) The violation complained of is a deceptive trade practice;

3 (b) The proceedings by the Director or his or her designee
4 concerning the written report and any order issued pursuant to
5 subsection 3 are in the interest of the public; and

6 (c) The findings of the Director or his or her designee are
7 supported by the weight of the evidence,

8 the court shall issue an order enforcing the provisions of the order
9 of the Director or his or her designee.

10 7. An order issued pursuant to subsection 6 may include:

11 (a) A provision requiring the payment to the Consumer Affairs
12 Division of the Department of Business and Industry of a penalty of
13 not more than \$5,000 for each act amounting to a failure to comply
14 with the Director's or designee's order;

15 (b) An order that the person cease doing business within this
16 State; and

17 (c) Such injunctive or other equitable or extraordinary relief as
18 is determined appropriate by the court.

19 8. Any aggrieved party may appeal from the final judgment,
20 order or decree of the court in a like manner as provided for appeals
21 in civil cases.

22 9. Upon the violation of any judgment, order or decree issued
23 pursuant to subsection 6 or 7, the Commissioner, after a hearing
24 thereon, may proceed in accordance with the provisions of
25 NRS 598.0999.

26 **Sec. 13.** NRS 598.0973 is hereby amended to read as follows:

27 598.0973 1. Except as otherwise provided in NRS 598.0974,
28 in any action brought pursuant to NRS ~~598.0979~~ 598.0903 to
29 ~~598.099,~~ 598.0999, inclusive, ***and sections 3, 4 and 5 of this act***,
30 if the court finds that a person has engaged in a deceptive trade
31 practice directed toward an elderly person or a person with a
32 disability, the court may, in addition to any other civil or criminal
33 penalty, impose a civil penalty of not more than \$12,500 for each
34 violation.

35 2. In determining whether to impose a civil penalty pursuant to
36 subsection 1, the court shall consider whether:

37 (a) The conduct of the person was in disregard of the rights of
38 the elderly person or person with a disability;

39 (b) The person knew or should have known that his or her
40 conduct was directed toward an elderly person or a person with a
41 disability;

42 (c) The elderly person or person with a disability was more
43 vulnerable to the conduct of the person because of the age, health,
44 infirmity, impaired understanding, restricted mobility or disability of
45 the elderly person or person with a disability;



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1 (d) The conduct of the person caused the elderly person or
2 person with a disability to suffer actual and substantial physical,
3 emotional or economic damage;

4 (e) The conduct of the person caused the elderly person or
5 person with a disability to suffer:

6 (1) Mental or emotional anguish;

7 (2) The loss of the primary residence of the elderly person or
8 person with a disability;

9 (3) The loss of the principal employment or source of income
10 of the elderly person or person with a disability;

11 (4) The loss of money received from a pension, retirement
12 plan or governmental program;

13 (5) The loss of property that had been set aside for retirement
14 or for personal or family care and maintenance;

15 (6) The loss of assets which are essential to the health and
16 welfare of the elderly person or person with a disability; or

17 (7) Any other interference with the economic well-being of
18 the elderly person or person with a disability, including the
19 encumbrance of his or her primary residence or principal source of
20 income; or

21 (f) Any other factors that the court deems to be appropriate.

22 **Sec. 14.** NRS 598.0974 is hereby amended to read as follows:

23 598.0974 A civil penalty must not be imposed against any
24 person who engages in a deceptive trade practice pursuant to NRS
25 598.0903 to 598.0999, inclusive, ***and sections 3, 4 and 5 of this act***
26 in a civil proceeding brought by the Commissioner, Director or
27 Attorney General if a fine has previously been imposed against that
28 person by the Department of Motor Vehicles pursuant to NRS
29 482.554 for the same act.

30 **Sec. 15.** NRS 598.0985 is hereby amended to read as follows:

31 598.0985 Notwithstanding the requirement of knowledge as an
32 element of a deceptive trade practice, and notwithstanding the
33 enforcement powers granted to the Commissioner or Director
34 pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 3, 4***
35 ***and 5 of this act***, whenever the district attorney of any county has
36 reason to believe that any person is using, has used or is about to use
37 any deceptive trade practice, knowingly or otherwise, he or she may
38 bring an action in the name of the State of Nevada against that
39 person to obtain a temporary or permanent injunction against the
40 deceptive trade practice.

41 **Sec. 16.** NRS 598.0993 is hereby amended to read as follows:

42 598.0993 The court in which an action is brought pursuant to
43 NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such
44 additional orders or judgments as may be necessary to restore to any
45 person in interest any money or property, real or personal, which



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1 may have been acquired by means of any deceptive trade practice
2 which violates any of the provisions of NRS 598.0903 to 598.0999,
3 inclusive, ***and sections 3, 4 and 5 of this act*** but such additional
4 orders or judgments may be entered only after a final determination
5 has been made that a deceptive trade practice has occurred.

6 **Sec. 17.** NRS 598.0999 is hereby amended to read as follows:

7 598.0999 1. Except as otherwise provided in NRS 598.0974,
8 a person who violates a court order or injunction issued pursuant to
9 the provisions of NRS 598.0903 to 598.0999, inclusive, ***and***
10 ***and sections 3, 4 and 5 of this act*** upon a complaint brought by the
11 Commissioner, the Director, the district attorney of any county of
12 this State or the Attorney General shall forfeit and pay to the State
13 General Fund a civil penalty of not more than \$10,000 for each
14 violation. For the purpose of this section, the court issuing the order
15 or injunction retains jurisdiction over the action or proceeding. Such
16 civil penalties are in addition to any other penalty or remedy
17 available for the enforcement of the provisions of NRS 598.0903 to
18 598.0999, inclusive ***[], and sections 3, 4 and 5 of this act.***

19 2. Except as otherwise provided in NRS 598.0974, in any
20 action brought pursuant to the provisions of NRS 598.0903 to
21 598.0999, inclusive, ***and sections 3, 4 and 5 of this act***, if the court
22 finds that a person has willfully engaged in a deceptive trade
23 practice, the Commissioner, the Director, the district attorney of any
24 county in this State or the Attorney General bringing the action may
25 recover a civil penalty not to exceed \$5,000 for each violation. The
26 court in any such action may, in addition to any other relief or
27 reimbursement, award reasonable attorney's fees and costs.

28 3. A natural person, firm, or any officer or managing agent of
29 any corporation or association who knowingly and willfully engages
30 in a deceptive trade practice:

31 (a) For ***[], an offense involving a loss of property or***
32 ***services valued at \$1,200 or more but less than \$5,000,*** is guilty of
33 a ***[], category D felony and shall be punished as***
34 ***provided in NRS 193.130.***

35 (b) For ***[], an offense involving a loss of property***
36 ***or services valued at \$5,000 or more but less than \$25,000,*** is
37 guilty of a ***[], category C felony and shall be***
38 ***provided as provided in NRS 193.130.***

39 (c) For ***[], an offense involving a loss of property or services valued at \$25,000 or more***
40 ***but less than \$100,000,*** is guilty of a category ***[], B felony and***
41 ***shall be punished [as provided in NRS 193.130.] by imprisonment***
42 ***in the state prison for a minimum term of not less than 1 year and***
43 ***a maximum term of not more than 10 years, and by a fine of not***
44 ***more than \$10,000.***



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1 (d) For an offense involving a loss of property or services
2 valued at \$100,000 or more, is guilty of a category B felony and
3 shall be punished by imprisonment in the state prison for a
4 minimum term of not less than 1 year and a maximum term of not
5 more than 20 years, and by a fine of not more than \$15,000.

6 (e) For any offense other than an offense described in
7 paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

8 → The court may require the natural person, firm, or officer or
9 managing agent of the corporation or association to pay to the
10 aggrieved party damages on all profits derived from the knowing
11 and willful engagement in a deceptive trade practice and treble
12 damages on all damages suffered by reason of the deceptive trade
13 practice.

14 4. ~~Any offense which occurred within 10 years immediately
15 preceding the date of the principal offense or after the principal
16 offense constitutes a prior offense for the purposes of subsection 3
17 when evidenced by a conviction, without regard to the sequence of
18 the offenses and convictions.~~

19 5.] If a person violates any provision of NRS 598.0903 to
20 598.0999, inclusive, **and sections 3, 4 and 5 of this act**, 598.100
21 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to
22 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to
23 598.9718, inclusive, fails to comply with a judgment or order of any
24 court in this State concerning a violation of such a provision, or fails
25 to comply with an assurance of discontinuance or other agreement
26 concerning an alleged violation of such a provision, the
27 Commissioner or the district attorney of any county may bring an
28 action in the name of the State of Nevada seeking:

29 (a) The suspension of the person's privilege to conduct business
30 within this State; or

31 (b) If the defendant is a corporation, dissolution of the
32 corporation.

33 → The court may grant or deny the relief sought or may order other
34 appropriate relief.

35 [6.] 5. If a person violates any provision of NRS 228.500 to
36 228.640, inclusive, fails to comply with a judgment or order of any
37 court in this State concerning a violation of such a provision, or fails
38 to comply with an assurance of discontinuance or other agreement
39 concerning an alleged violation of such a provision, the Attorney
40 General may bring an action in the name of the State of Nevada
41 seeking:

42 (a) The suspension of the person's privilege to conduct business
43 within this State; or

44 (b) If the defendant is a corporation, dissolution of the
45 corporation.



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1 The court may grant or deny the relief sought or may order other
2 appropriate relief.

3 **6. As used in this section:**

4 (a) **“Property” has the meaning ascribed to it in**
5 **NRS 193.0225.**

6 (b) **“Services” has the meaning ascribed to it in NRS 205.0829.**

7 (c) **“Value” means the fair market value of the property or**
8 **services at the time the deceptive trade practice occurred. The**
9 **value of a written instrument which does not have a readily**
10 **ascertainable market value is the greater of the face amount of the**
11 **instrument less the portion satisfied or the amount of economic**
12 **loss to the owner of the instrument resulting from the deprivation**
13 **of the instrument. The trier of fact shall determine the value of all**
14 **other property whose value is not readily ascertainable, and may,**
15 **in making that determination, consider all relevant evidence,**
16 **including evidence of the value of the property to its owner.**

17 **Sec. 18.** Chapter 603A of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 19 and 20 of this act.

19 **Sec. 19. A violation of the provisions of this section and NRS**
20 **603A.010 to 603A.290, inclusive, constitutes a deceptive trade**
21 **practice for the purposes of NRS 598.0903 to 598.0999, inclusive,**
22 **and sections 3, 4 and 5 of this act.**

23 **Sec. 20. A violation of the provisions of this section and NRS**
24 **603A.300 to 603A.360, inclusive, constitutes a deceptive trade**
25 **practice for the purposes of NRS 598.0903 to 598.0999, inclusive,**
26 **and sections 3, 4 and 5 of this act.**

27 **Sec. 21.** NRS 603A.010 is hereby amended to read as follows:

28 603A.010 As used in NRS 603A.010 to 603A.290, inclusive,
29 **and section 19 of this act**, unless the context otherwise requires, the
30 words and terms defined in NRS 603A.020, 603A.030 and
31 603A.040 have the meanings ascribed to them in those sections.

32 **Sec. 22.** NRS 603A.100 is hereby amended to read as follows:

33 603A.100 1. The provisions of NRS 603A.010 to 603A.290,
34 inclusive, **and section 19 of this act** do not apply to the maintenance
35 or transmittal of information in accordance with NRS 439.581 to
36 439.595, inclusive, and the regulations adopted pursuant thereto.

37 2. A data collector who is also an operator, as defined in NRS
38 603A.330, shall comply with the provisions of NRS 603A.300 to
39 603A.360, inclusive **[], and section 20 of this act.**

40 3. Any waiver of the provisions of NRS 603A.010 to
41 603A.290, inclusive, **and section 19 of this act** is contrary to public
42 policy, void and unenforceable.

43 **Sec. 23.** NRS 603A.300 is hereby amended to read as follows:

44 603A.300 As used in NRS 603A.300 to 603A.360, inclusive,
45 **and section 20 of this act**, unless the context otherwise requires, the



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1 words and terms defined in NRS 603A.310 to 603A.337, inclusive,
2 have the meanings ascribed to them in those sections.

3 **Sec. 24.** NRS 603A.360 is hereby amended to read as follows:

4 603A.360 1. The Attorney General shall enforce the
5 provisions of NRS 603A.300 to 603A.360, inclusive **§ 20, and**
6 **section 20 of this act.**

7 2. If the Attorney General has reason to believe that an
8 operator, either directly or indirectly, has violated or is violating
9 NRS 603A.340 or 603A.345, the Attorney General may institute an
10 appropriate legal proceeding against the operator. The district court,
11 upon a showing that the operator, either directly or indirectly, has
12 violated or is violating NRS 603A.340 or 603A.345, may:

13 (a) Issue a temporary or permanent injunction; or

14 (b) Impose a civil penalty not to exceed \$5,000 for each
15 violation.

16 3. The provisions of NRS 603A.300 to 603A.360, inclusive,
17 **and section 20 of this act** do not establish a private right of action
18 against an operator.

19 4. The provisions of NRS 603A.300 to 603A.360, inclusive,
20 **and section 20 of this act** are not exclusive and are in addition to
21 any other remedies provided by law.

22 **Sec. 25.** Chapter 11 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 ***There is no limitation on the time in which an action against a***
25 ***person alleged to have committed a deceptive trade practice in***
26 ***violation of NRS 598.0903 to 598.0999, inclusive, and sections 3, 4***
27 ***and 5 of this act may be commenced.***

28 **Sec. 26.** NRS 11.190 is hereby amended to read as follows:

29 11.190 Except as otherwise provided in NRS 40.4639,
30 125B.050 and 217.007, actions other than those for the recovery of
31 real property, unless further limited by specific statute, may only be
32 commenced as follows:

33 1. Within 6 years:

34 (a) Except as otherwise provided in NRS 62B.420 and 176.275,
35 an action upon a judgment or decree of any court of the United
36 States, or of any state or territory within the United States, or the
37 renewal thereof.

38 (b) An action upon a contract, obligation or liability founded
39 upon an instrument in writing, except those mentioned in the
40 preceding sections of this chapter.

41 2. Within 4 years:

42 (a) An action on an open account for goods, wares and
43 merchandise sold and delivered.

44 (b) An action for any article charged on an account in a store.



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1 (c) An action upon a contract, obligation or liability not founded
2 upon an instrument in writing.

3 ~~(d) An action against a person alleged to have committed a
4 deceptive trade practice in violation of NRS 598.0903 to 598.0999,
5 inclusive, but the cause of action shall be deemed to accrue when
6 the aggrieved party discovers, or by the exercise of due diligence
7 should have discovered, the facts constituting the deceptive trade
8 practice.]~~

9 3. Within 3 years:

10 (a) An action upon a liability created by statute, other than a
11 penalty or forfeiture.

12 (b) An action for waste or trespass of real property, but when the
13 waste or trespass is committed by means of underground works
14 upon any mining claim, the cause of action shall be deemed to
15 accrue upon the discovery by the aggrieved party of the facts
16 constituting the waste or trespass.

17 (c) An action for taking, detaining or injuring personal property,
18 including actions for specific recovery thereof, but in all cases
19 where the subject of the action is a domestic animal usually included
20 in the term "livestock," which has a recorded mark or brand upon it
21 at the time of its loss, and which strays or is stolen from the true
22 owner without the owner's fault, the statute does not begin to run
23 against an action for the recovery of the animal until the owner has
24 actual knowledge of such facts as would put a reasonable person
25 upon inquiry as to the possession thereof by the defendant.

26 (d) Except as otherwise provided in NRS 112.230 and 166.170,
27 an action for relief on the ground of fraud or mistake, but the cause
28 of action in such a case shall be deemed to accrue upon the
29 discovery by the aggrieved party of the facts constituting the fraud
30 or mistake.

31 (e) An action pursuant to NRS 40.750 for damages sustained by
32 a financial institution or other lender because of its reliance on
33 certain fraudulent conduct of a borrower, but the cause of action in
34 such a case shall be deemed to accrue upon the discovery by the
35 financial institution or other lender of the facts constituting the
36 concealment or false statement.

37 4. Within 2 years:

38 (a) An action against a sheriff, coroner or constable upon
39 liability incurred by acting in his or her official capacity and in
40 virtue of his or her office, or by the omission of an official duty,
41 including the nonpayment of money collected upon an execution.

42 (b) An action upon a statute for a penalty or forfeiture, where the
43 action is given to a person or the State, or both, except when the
44 statute imposing it prescribes a different limitation.



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1 (c) An action for libel, slander, assault, battery, false
2 imprisonment or seduction.

3 (d) An action against a sheriff or other officer for the escape of a
4 prisoner arrested or imprisoned on civil process.

5 (e) Except as otherwise provided in NRS 11.215, an action to
6 recover damages for injuries to a person or for the death of a person
7 caused by the wrongful act or neglect of another. The provisions of
8 this paragraph relating to an action to recover damages for injuries
9 to a person apply only to causes of action which accrue after
10 March 20, 1951.

11 (f) An action to recover damages under NRS 41.740.

12 5. Within 1 year:

13 (a) An action against an officer, or officer de facto to recover
14 goods, wares, merchandise or other property seized by the officer in
15 his or her official capacity, as tax collector, or to recover the price or
16 value of goods, wares, merchandise or other personal property so
17 seized, or for damages for the seizure, detention or sale of, or injury
18 to, goods, wares, merchandise or other personal property seized, or
19 for damages done to any person or property in making the seizure.

20 (b) An action against an officer, or officer de facto for money
21 paid to the officer under protest, or seized by the officer in his or her
22 official capacity, as a collector of taxes, and which, it is claimed,
23 ought to be refunded.

24 **Sec. 27.** NRS 41.600 is hereby amended to read as follows:
25 41.600 1. An action may be brought by any person who is a
26 victim of consumer fraud.

27 2. As used in this section, "consumer fraud" means:
28 (a) An unlawful act as defined in NRS 119.330;
29 (b) An unlawful act as defined in NRS 205.2747;
30 (c) An act prohibited by NRS 482.36655 to 482.36667,
31 inclusive;
32 (d) An act prohibited by NRS 482.351; or
33 (e) A deceptive trade practice as defined in NRS 598.0915 to
34 598.0925, inclusive **§ 1, and sections 3 and 4 of this act.**

35 3. If the claimant is the prevailing party, the court shall award
36 the claimant:

37 (a) Any damages that the claimant has sustained;
38 (b) Any equitable relief that the court deems appropriate; and
39 (c) The claimant's costs in the action and reasonable attorney's
40 fees.

41 4. Any action brought pursuant to this section is not an action
42 upon any contract underlying the original transaction.

43 **Sec. 28.** NRS 171.080 is hereby amended to read as follows:
44 171.080 There is no limitation of the time within which a
45 prosecution for:



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1 1. Murder, or a sexual assault arising out of the same facts and
2 circumstances as a murder, must be commenced. It may be
3 commenced at any time after the death of the person killed.

4 2. A violation of NRS 202.445 must be commenced. It may be
5 commenced at any time after the violation is committed.

6 3. *A violation punishable pursuant to subsection 3 of NRS
7 598.0999 must be commenced. It may be commenced at any time
8 after the violation is committed.*

9 **Sec. 29.** NRS 171.085 is hereby amended to read as follows:

10 171.085 Except as otherwise provided in NRS 171.080 to
11 171.084, inclusive, and 171.095, an indictment for:

12 1. Theft, robbery, burglary, forgery, arson, sex trafficking, a
13 violation of NRS 90.570 [~~, a violation punishable pursuant to
14 paragraph (c) of subsection 3 of NRS 598.0999~~] or a violation of
15 NRS 205.377 must be found, or an information or complaint filed,
16 within 4 years after the commission of the offense.

17 2. Sexual assault must be found, or an information or
18 complaint filed, within 20 years after the commission of the offense.

19 3. Any felony other than the felonies listed in subsections 1 and
20 2 must be found, or an information or complaint filed, within 3
21 years after the commission of the offense.

22 **Sec. 30.** NRS 171.090 is hereby amended to read as follows:

23 171.090 Except as otherwise provided in NRS **171.085**,
24 171.095, 202.885 and 624.800, an indictment for:

25 1. A gross misdemeanor must be found, or an information or
26 complaint filed, within 2 years after the commission of the offense.

27 2. Any other misdemeanor must be found, or an information or
28 complaint filed, within 1 year after the commission of the offense.

29 **Sec. 31.** NRS 228.380 is hereby amended to read as follows:

30 228.380 1. Except as otherwise provided in this section, the
31 Consumer's Advocate may exercise the power of the Attorney
32 General in areas of consumer protection, including, but not limited
33 to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C, 599B
34 and 711 of NRS.

35 2. The Consumer's Advocate may not exercise any powers to
36 enforce any criminal statute set forth in:

37 (a) Chapter 90, 597, 598, 598A, 598B, 598C or 599B of NRS
38 for any transaction or activity that involves a proceeding before the
39 Public Utilities Commission of Nevada if the Consumer's Advocate
40 is participating in that proceeding as a real party in interest on behalf
41 of the customers or a class of customers of utilities; or

42 (b) Chapter 711 of NRS.

43 3. *The Consumer's Advocate may have access to all records
44 in the possession of any agency of this State that he or she*



1 ***determines are necessary for the exercise of the powers set forth in***
2 ***subsection 1.***

3 **4.** The Consumer's Advocate may expend revenues derived
4 from NRS 704.033 only for activities directly related to the
5 protection of customers of public utilities.

6 **[4.] 5.** The powers of the Consumer's Advocate do not extend
7 to proceedings before the Public Utilities Commission of Nevada
8 directly relating to discretionary or competitive telecommunication
9 services.

10 **Sec. 32.** NRS 278.349 is hereby amended to read as follows:

11 278.349 1. Except as otherwise provided in subsection 2, the
12 governing body, if it has not authorized the planning commission to
13 take final action, shall, by an affirmative vote of a majority of all the
14 members, approve, conditionally approve or disapprove a tentative
15 map filed pursuant to NRS 278.330:

16 (a) In a county whose population is 700,000 or more, within 45
17 days; or

18 (b) In a county whose population is less than 700,000, within 60
19 days,

20 ➔ after receipt of the planning commission's recommendations.

21 2. If there is no planning commission, the governing body shall
22 approve, conditionally approve or disapprove a tentative map:

23 (a) In a county whose population is 700,000 or more, within 45
24 days; or

25 (b) In a county whose population is less than 700,000, within 60
26 days,

27 ➔ after the map is filed with the clerk of the governing body.

28 3. The governing body, or planning commission if it is
29 authorized to take final action on a tentative map, shall consider:

30 (a) Environmental and health laws and regulations concerning
31 water and air pollution, the disposal of solid waste, facilities to
32 supply water, community or public sewage disposal and, where
33 applicable, individual systems for sewage disposal;

34 (b) The availability of water which meets applicable health
35 standards and is sufficient in quantity for the reasonably foreseeable
36 needs of the subdivision;

37 (c) The availability and accessibility of utilities;

38 (d) The availability and accessibility of public services such as
39 schools, police protection, transportation, recreation and parks;

40 (e) Conformity with the zoning ordinances and master plan,
41 except that if any existing zoning ordinance is inconsistent with the
42 master plan, the zoning ordinance takes precedence;

43 (f) General conformity with the governing body's master plan of
44 streets and highways;



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1 (g) The effect of the proposed subdivision on existing public
2 streets and the need for new streets or highways to serve the
3 subdivision;

4 (h) Physical characteristics of the land such as floodplain, slope
5 and soil;

6 (i) The recommendations and comments of those entities and
7 persons reviewing the tentative map pursuant to NRS 278.330 to
8 278.3485, inclusive;

9 (j) The availability and accessibility of fire protection, including,
10 but not limited to, the availability and accessibility of water and
11 services for the prevention and containment of fires, including fires
12 in wild lands; and

13 (k) The submission by the subdivider of an affidavit stating that
14 the subdivider will make provision for payment of the tax imposed
15 by chapter 375 of NRS and for compliance with the disclosure and
16 recording requirements of *paragraph (f) of* subsection ~~§ 1~~ of NRS
17 598.0923, if applicable, by the subdivider or any successor in
18 interest.

19 4. The governing body or planning commission shall, by an
20 affirmative vote of a majority of all the members, make a final
21 disposition of the tentative map. The governing body or planning
22 commission shall not approve the tentative map unless the
23 subdivider has submitted an affidavit stating that the subdivider will
24 make provision for the payment of the tax imposed by chapter 375
25 of NRS and for compliance with the disclosure and recording
26 requirements of *paragraph (f) of* subsection ~~§ 1~~ of NRS 598.0923,
27 if applicable, by the subdivider or any successor in interest. Any
28 disapproval or conditional approval must include a statement of the
29 reason for that action.

30 **Sec. 33.** NRS 278.461 is hereby amended to read as follows:

31 278.461 1. Except as otherwise provided in this section, a
32 person who proposes to divide any land for transfer or development
33 into four lots or less shall:

34 (a) Prepare a parcel map and file the number of copies, as
35 required by local ordinance, of the parcel map with the planning
36 commission or its designated representative or, if there is no
37 planning commission, with the clerk of the governing body; and

38 (b) Pay a filing fee in an amount determined by the governing
39 body,

40 → unless those requirements are waived or the provisions of NRS
41 278.471 to 278.4725, inclusive, apply. The map must be
42 accompanied by a written statement signed by the treasurer of the
43 county in which the land to be divided is located indicating that all
44 property taxes on the land for the fiscal year have been paid, and by
45 the affidavit of the person who proposes to divide the land stating



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1 that the person will make provision for the payment of the tax
2 imposed by chapter 375 of NRS and for compliance with the
3 disclosure and recording requirements of *paragraph (f) of*
4 subsection ~~§~~ 1 of NRS 598.0923, if applicable, by the person who
5 proposes to divide the land or any successor in interest.

6 2. In addition to any other requirement set forth in this section,
7 a person who is required to prepare a parcel map pursuant to
8 subsection 1 shall provide a copy of the parcel map to the Division
9 of Water Resources of the State Department of Conservation and
10 Natural Resources and obtain a certificate from the Division
11 indicating that the parcel map is approved as to the quantity of water
12 available for use if:

13 (a) Any parcel included in the parcel map:

14 (1) Is within or partially within a basin designated by the
15 State Engineer pursuant to NRS 534.120 for which the State
16 Engineer has issued an order requiring the approval of the parcel
17 map by the State Engineer; and

18 (2) Will be served by a domestic well; and

19 (b) The dedication of a right to appropriate water to ensure a
20 sufficient supply of water is not required by an applicable local
21 ordinance.

22 3. If the parcel map is submitted to the clerk of the governing
23 body, the clerk shall submit the parcel map to the governing body at
24 its next regular meeting.

25 4. A common-interest community consisting of four units or
26 less shall be deemed to be a division of land within the meaning of
27 this section, but need only comply with this section and NRS
28 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and
29 278.466.

30 5. A parcel map is not required when the division is for the
31 express purpose of:

32 (a) The creation or realignment of a public right-of-way by a
33 public agency.

34 (b) The creation or realignment of an easement.

35 (c) An adjustment of the boundary line between two abutting
36 parcels or the transfer of land between two owners of abutting
37 parcels, which does not result in the creation of any additional
38 parcels, if such an adjustment is approved pursuant to NRS
39 278.5692 and is made in compliance with the provisions of
40 NRS 278.5693.

41 (d) The purchase, transfer or development of space within an
42 apartment building or an industrial or commercial building.

43 (e) Carrying out an order of any court or dividing land as a
44 result of an operation of law.



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6. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 34. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

→ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

— after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning



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1 commission shall file its written decision with the governing body.
2 Unless the time is extended by mutual agreement, if the planning
3 commission is authorized to take final action and it fails to take
4 action within the period specified in this subsection, the parcel map
5 shall be deemed approved.

6 3. If there is no planning commission or if the governing body
7 has not authorized the planning commission to take final action, the
8 governing body or, by authorization of the governing body, the
9 director of planning or other authorized person or agency shall:

10 (a) In a county whose population is 700,000 or more, within 45
11 days; or

12 (b) In a county whose population is less than 700,000, within 60
13 days,

14 → after acceptance of the parcel map as a complete application by
15 the governing body pursuant to subsection 1 or pursuant to
16 subsection 3 of NRS 278.461, review and approve, conditionally
17 approve or disapprove the parcel map. Unless the time is extended
18 by mutual agreement, if the governing body, the director of planning
19 or other authorized person or agency fails to take action within the
20 period specified in this subsection, the parcel map shall be deemed
21 approved.

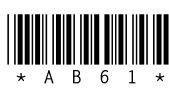
22 4. The planning commission and the governing body or
23 director of planning or other authorized person or agency shall not
24 approve the parcel map unless the person proposing to divide the
25 land has submitted an affidavit stating that the person will make
26 provision for the payment of the tax imposed by chapter 375 of NRS
27 and for compliance with the disclosure and recording requirements
28 of **paragraph (f) of** subsection **15** of NRS 598.0923, if applicable,
29 by the person proposing to divide the land or any successor in
30 interest.

31 5. Except as otherwise provided in NRS 278.463, if unusual
32 circumstances exist, a governing body or, if authorized by the
33 governing body, the planning commission may waive the
34 requirement for a parcel map. Before waiving the requirement for a
35 parcel map, a determination must be made by the county surveyor,
36 city surveyor or professional land surveyor appointed by the
37 governing body that a survey is not required. Unless the time is
38 extended by mutual agreement, a request for a waiver must be acted
39 upon:

40 (a) In a county whose population is 700,000 or more, within 45
41 days; or

42 (b) In a county whose population is less than 700,000, within 60
43 days,

44 → after the date of the request for the waiver or, in the absence of
45 action, the waiver shall be deemed approved.



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1 6. A governing body may consider or may, by ordinance,
2 authorize the consideration of the criteria set forth in subsection 3 of
3 NRS 278.349 in determining whether to approve, conditionally
4 approve or disapprove a second or subsequent parcel map for land
5 that has been divided by a parcel map which was recorded within
6 the 5 years immediately preceding the acceptance of the second or
7 subsequent parcel map as a complete application.

8 7. An applicant or other person aggrieved by a decision of the
9 governing body's authorized representative or by a final act of the
10 planning commission may appeal the decision in accordance with
11 the ordinance adopted pursuant to NRS 278.3195.

12 8. If a parcel map and the associated division of land are
13 approved or deemed approved pursuant to this section, the approval
14 must be noted on the map in the form of a certificate attached
15 thereto and executed by the clerk of the governing body, the
16 governing body's designated representative or the chair of the
17 planning commission. A certificate attached to a parcel map
18 pursuant to this subsection must indicate, if applicable, that the
19 governing body or planning commission determined that a public
20 street, easement or utility easement which will not remain in effect
21 after a merger and resubdivision of parcels conducted pursuant to
22 NRS 278.4925 has been vacated or abandoned in accordance with
23 NRS 278.480.

24 **Sec. 35.** NRS 278.4713 is hereby amended to read as follows:

25 278.4713 1. Unless the filing of a tentative map is waived, a
26 person who proposes to make a division of land pursuant to NRS
27 278.471 to 278.4725, inclusive, must first:

28 (a) File a tentative map for the area in which the land is located
29 with the planning commission or its designated representative or
30 with the clerk of the governing body if there is no planning
31 commission;

32 (b) Submit an affidavit stating that the person will make
33 provision for the payment of the tax imposed by chapter 375 of NRS
34 and for compliance with the disclosure and recording requirements
35 of **paragraph (f) of** subsection **151** of NRS 598.0923, if applicable,
36 by the person who proposes to make a division of land or any
37 successor in interest; and

38 (c) Pay a filing fee of no more than \$750 set by the governing
39 body.

40 2. This map must be:

41 (a) Entitled "Tentative Map of Division into Large Parcels"; and
42 (b) Prepared and certified by a professional land surveyor.

43 3. This map must show:

44 (a) The approximate, calculated or actual acreage of each lot and
45 the total acreage of the land to be divided.



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1 (b) Any roads or easements of access which exist, are proposed
2 in the applicable master plan or are proposed by the person who
3 intends to divide the land.

4 (c) Except as otherwise provided in NRS 278.329, an easement
5 for public utilities that provide gas, electric and telecommunications
6 services and for any video service providers that are authorized
7 pursuant to chapter 711 of NRS to operate a video service network
8 in that area.

9 (d) Except as otherwise provided in NRS 278.329, an easement
10 for public utilities that provide water and sewer services.

11 (e) Any existing easements for irrigation or drainage, and any
12 normally continuously flowing watercourses.

13 (f) An indication of any existing road or easement which the
14 owner does not intend to dedicate.

15 (g) The name and address of the owner of the land.

16 4. The planning commission and the governing body or its
17 authorized representative shall not approve the tentative map unless
18 the person proposing to divide the land has submitted an affidavit
19 stating that the person will make provision for the payment of the
20 tax imposed by chapter 375 of NRS and for compliance with the
21 disclosure and recording requirements of *paragraph (f) of*
22 subsection ~~§ 1~~ *I* of NRS 598.0923, if applicable, by the person
23 proposing to divide the land or any successor in interest.

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