

SENATE BILL NO. 447—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

MAY 13, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to deceptive trade practices. (BDR 18-1094)

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

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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 deceptive trade practices; eliminating the Consumer Affairs Division of the Department of Business and Industry and making the temporary Consumer Affairs Unit created in the Department permanent; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 During the 2009 Legislative Session, the Consumer Affairs Division of the  
2 Department of Business and Industry and the position of the Commissioner of  
3 Consumer Affairs were temporarily eliminated and their powers and duties were  
4 permanently transferred to other agencies or temporarily eliminated or transferred to  
5 other agencies. The powers and duties of the Consumer Affairs Division and the  
6 Commissioner of Consumer Affairs were permanently transferred to: (1) the  
7 Department of Motor Vehicles relating to the regulation of garages, garagemen and  
8 body shops; and (2) the Division of Mortgage Lending of the Department of Business  
9 and Industry relating to credit service organizations. The powers and duties of the  
10 Consumer Affairs Division and the Commissioner of Consumer Affairs relating to the  
11 administration of provisions relating to certain deceptive trade practices, sightseeing  
12 tours, organizations for buying goods or services at a discount, dance studios, health  
13 clubs, consumer reporting and solicitation by telephone were temporarily transferred  
14 to the Attorney General until June 30, 2011. Finally, the requirement that certain  
15 sellers of travel register and deposit security with the Consumer Affairs Division and  
16 the Commissioner of Consumer Affairs was temporarily eliminated until June 30,  
17 2011. (Chapter 475, Statutes of Nevada 2009, at page 2733)

18 During the 2011 and 2013 Legislative Sessions, the temporary transfer or  
19 elimination of the powers and duties of the Consumer Affairs Division and the  
20 Commissioner of Consumer Affairs was continued until 2013 and 2015, respectively.  
21 (Chapter 440, Statutes of Nevada 2011, at page 2652; chapter 250, Statutes of Nevada



22 2013, at page 1054) During the 2015 Legislative Session, the Consumer Affairs Unit  
23 was temporarily created in the Department of Business and Industry to perform the  
24 duties of the Consumer Affairs Division relating to certain deceptive trade practices  
25 until June 30, 2017. The Director of the Department of Business and Industry was  
26 required to designate a Deputy Director of the Department of Business and Industry to  
27 serve as the Commissioner of Consumer Affairs and Chief of the Consumer Affairs  
28 Unit. (Section 14 of chapter 528, Statutes of Nevada 2015, at page 3652) During the  
29 2017 Legislative Session: (1) the Consumer Affairs Unit was extended for an  
30 additional period ending on June 30, 2019; and (2) the provisions governing the  
31 registration of sellers of travel were permanently eliminated. (Section 3 of chapter  
32 365, Statutes of Nevada 2017, at page 2255; section 2 of chapter 249, Statutes of  
33 Nevada 2017, at page 1313) During the 2019 Legislative Session, the Consumer  
34 Affairs Unit was again extended for an additional period ending on June 30, 2021.  
35 (Section 3 of chapter 399, Statutes of Nevada 2019, at page 2501)

36 **Sections 1 and 13** of this bill eliminate the Consumer Affairs Division and make  
37 the Consumer Affairs Unit permanent in the Department of Business and Industry,  
38 effective July 1, 2021. The Consumer Affairs Unit and the Commissioner of  
39 Consumer Affairs will continue to carry out the powers and duties relating to  
40 deceptive trade practices that they have carried out since the temporary creation of the  
41 Unit on July 1, 2015, as well as the powers and duties relating to sightseeing tours,  
42 organizations for buying goods or services at a discount, dance studios, health clubs,  
43 consumer reporting and solicitation by telephone that had been temporarily  
44 transferred from the Consumer Affairs Division to the Attorney General until June 30,  
45 2021. (NRS 598.0903-598.0999, 598.405-598.525, 598.840-598.966; chapters 598C  
46 and 599B of NRS) **Sections 2-12** of this bill make conforming changes as a result of  
47 the elimination of the Consumer Affairs Division and permanent creation of the  
48 Consumer Affairs Unit.

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

1 **Section 1.** NRS 232.510 is hereby amended to read as follows:  
2 232.510 1. The Department of Business and Industry is  
3 hereby created.  
4 2. The Department consists of a Director and the following:  
5 (a) Consumer Affairs ~~Division~~ *Unit within the Office of the*  
6 *Director.*  
7 (b) Division of Financial Institutions.  
8 (c) Housing Division.  
9 (d) Real Estate Division.  
10 (e) Division of Insurance.  
11 (f) Division of Industrial Relations.  
12 (g) Office of Labor Commissioner.  
13 (h) Taxicab Authority.  
14 (i) Office of the Nevada Attorney for Injured Workers.  
15 (j) Nevada Transportation Authority.  
16 (k) Division of Mortgage Lending.  
17 (l) Any other office, commission, board, agency or entity  
18 created or placed within the Department pursuant to a specific  
19 statute, the budget approved by the Legislature or an executive



1 order, or an entity whose budget or activities have been placed  
2 within the control of the Department by a specific statute.

3 **Sec. 2.** NRS 232.520 is hereby amended to read as follows:  
4 232.520 The Director:

5 1. Shall appoint a chief or executive director, or both of them,  
6 of each of the divisions, offices, commissions, boards, agencies or  
7 other entities of the Department, unless the authority to appoint such  
8 a chief or executive director, or both of them, is expressly vested in  
9 another person, board or commission by a specific statute. In  
10 making the appointments, the Director may obtain lists of qualified  
11 persons from professional organizations, associations or other  
12 groups recognized by the Department, if any. The chief of the  
13 Consumer Affairs ~~Division~~ Unit is the Commissioner of  
14 Consumer Affairs, the chief of the Division of Financial Institutions  
15 is the Commissioner of Financial Institutions, the chief of the  
16 Housing Division is the Administrator of the Housing Division, the  
17 chief of the Real Estate Division is the Real Estate Administrator,  
18 the chief of the Division of Insurance is the Commissioner of  
19 Insurance, the chief of the Division of Industrial Relations is the  
20 Administrator of the Division of Industrial Relations, the chief of  
21 the Office of Labor Commissioner is the Labor Commissioner, the  
22 chief of the Taxicab Authority is the Taxicab Administrator,  
23 the chief of the Nevada Transportation Authority is the Chair of the  
24 Authority, the chief of the Division of Mortgage Lending is the  
25 Commissioner of Mortgage Lending and the chief of any other  
26 entity of the Department has the title specified by the Director,  
27 unless a different title is specified by a specific statute.

28 2. Is responsible for the administration of all provisions of law  
29 relating to the jurisdiction, duties and functions of all divisions and  
30 other entities within the Department. The Director may, if he or she  
31 deems it necessary to carry out his or her administrative  
32 responsibilities, be considered as a member of the staff of any  
33 division or other entity of the Department for the purpose of budget  
34 administration or for carrying out any duty or exercising any power  
35 necessary to fulfill the responsibilities of the Director pursuant to  
36 this subsection. This subsection does not allow the Director to  
37 preempt any authority or jurisdiction granted by statute to any  
38 division or other entity within the Department or to act or take on a  
39 function that would contravene a rule of court or a statute.

40 3. May:

41 (a) Establish uniform policies for the Department, consistent  
42 with the policies and statutory responsibilities and duties of the  
43 divisions and other entities within the Department, relating to  
44 matters concerning budgeting, accounting, planning, program  
45 development, personnel, information services, dispute resolution,



1 travel, workplace safety, the acceptance of gifts or donations, the  
2 management of records and any other subject for which a uniform  
3 departmental policy is necessary to ensure the efficient operation of  
4 the Department.

5 (b) Provide coordination among the divisions and other entities  
6 within the Department, in a manner which does not encroach upon  
7 their statutory powers and duties, as they adopt and enforce  
8 regulations, execute agreements, purchase goods, services or  
9 equipment, prepare legislative requests and lease or use office space.

10 (c) Define the responsibilities of any person designated to carry  
11 out the duties of the Director relating to financing, industrial  
12 development or business support services.

13 4. May, within the limits of the financial resources made  
14 available to the Director, promote, participate in the operation of,  
15 and create or cause to be created, any nonprofit corporation,  
16 pursuant to chapter 82 of NRS, which he or she determines is  
17 necessary or convenient for the exercise of the powers and duties of  
18 the Department. The purposes, powers and operation of the  
19 corporation must be consistent with the purposes, powers and duties  
20 of the Department.

21 5. For any bonds which the Director is otherwise authorized to  
22 issue, may issue bonds the interest on which is not exempt from  
23 federal income tax or excluded from gross revenue for the purposes  
24 of federal income tax.

25 6. May, except as otherwise provided by specific statute, adopt  
26 by regulation a schedule of fees and deposits to be charged in  
27 connection with the programs administered by the Director pursuant  
28 to chapters 348A and 349 of NRS. Except as otherwise provided by  
29 specific statute, the amount of any such fee or deposit must not  
30 exceed 2 percent of the principal amount of the financing.

31 7. May designate any person within the Department to perform  
32 any of the duties or responsibilities, or exercise any of the authority,  
33 of the Director on his or her behalf.

34 8. May negotiate and execute agreements with public or private  
35 entities which are necessary to the exercise of the powers and duties  
36 of the Director or the Department.

37 9. May establish a trust account in the State Treasury for  
38 depositing and accounting for money that is held in escrow or is on  
39 deposit with the Department for the payment of any direct expenses  
40 incurred by the Director in connection with any bond programs  
41 administered by the Director. The interest and income earned on  
42 money in the trust account, less any amount deducted to pay for  
43 applicable charges, must be credited to the trust account. Any  
44 balance remaining in the account at the end of a fiscal year may be:



1 (a) Carried forward to the next fiscal year for use in covering the  
2 expense for which it was originally received; or

3 (b) Returned to any person entitled thereto in accordance with  
4 agreements or regulations of the Director relating to those bond  
5 programs.

6 **Sec. 3.** Chapter 598 of NRS is hereby amended by adding  
7 thereto a new section to read as follows:

8 *As used in this chapter, unless the context otherwise requires,*  
9 *“Consumer Affairs Unit” or “Unit” means the Consumer Affairs*  
10 *Unit of the Department of Business and Industry.*

11 **Sec. 4.** NRS 598.0966 is hereby amended to read as follows:

12 598.0966 1. There is hereby created a revolving account for  
13 the Consumer Affairs ~~Division~~ Unit of the Department of  
14 Business and Industry. The account must be administered by the  
15 Director or his or her designee.

16 2. The Director or his or her designee shall deposit any grant of  
17 money received by the ~~Division~~ Unit into the account, and any  
18 money in the account must be used solely to defray the costs and  
19 expenses of the ~~Division~~ Unit.

20 3. The Director or his or her designee shall deposit any  
21 administrative fines received by the ~~Division~~ Unit into the State  
22 General Fund.

23 **Sec. 5.** NRS 598.425 is hereby amended to read as follows:

24 598.425 “Commissioner” means the Commissioner of ~~the~~  
25 ~~Division~~ Consumer Affairs.

26 **Sec. 6.** NRS 598.840 is hereby amended to read as follows:

27 598.840 As used in NRS 598.840 to 598.930, inclusive, unless  
28 the context otherwise requires:

29 1. “Affiliate organization” means an organization for buying  
30 goods or services at a discount that:

31 (a) Is a subsidiary of a parent business entity; or

32 (b) Operates under a franchise granted by a parent business  
33 entity.

34 2. “Business day” means any calendar day except Sunday, or  
35 the following business holidays: New Year’s Day, Martin Luther  
36 King, Jr.’s Birthday, Washington’s Birthday, Memorial Day,  
37 Independence Day, Labor Day, Nevada Day, Veterans Day,  
38 Thanksgiving Day and Christmas Day.

39 3. “Buyer” means a person who purchases by contract a  
40 membership in an organization for buying goods or services at a  
41 discount.

42 4. “Commissioner” means the Commissioner of ~~the~~  
43 Consumer Affairs. ~~Division~~

44 5. ~~“Division” means the Consumer Affairs Division of the~~  
45 ~~Department of Business and Industry.~~



1 —~~6.~~ “Franchise” has the meaning ascribed to it in 16 C.F.R. §  
2 436.2, as amended or substituted in revision by the Federal Trade  
3 Commission.

4 ~~7.~~ 6. “Organization for buying goods or services at a  
5 discount” or “organization” means a person who, for a  
6 consideration, provides or claims to provide a buyer with the ability  
7 to purchase goods or services at a price which is represented to be  
8 lower than the price generally charged in the area. The term  
9 includes, without limitation, an affiliate organization.

10 ~~8.~~ 7. “Parent business entity” or “parent” means any business  
11 entity that, directly or indirectly, has owned, operated, controlled or  
12 granted franchises to, in any combination thereof, at least 15  
13 organizations or affiliate organizations for a consecutive period of 5  
14 years or more.

15 ~~9.~~ 8. “Registrant” means an organization for buying goods or  
16 services at a discount which is required to register and post security  
17 with the ~~Division~~ *Consumer Affairs Unit* pursuant to the  
18 provisions of NRS 598.840 to 598.930, inclusive.

19 ~~10.~~ 9. “Subsidiary” means an organization for buying goods  
20 or services at a discount that is owned, operated or controlled, either  
21 directly or indirectly or in whole or in part, by a parent business  
22 entity.

23 **Sec. 7.** NRS 598.9407 is hereby amended to read as follows:

24 598.9407 “Commissioner” means the Commissioner of ~~the~~  
25 ~~Division~~ *Consumer Affairs*.

26 **Sec. 8.** NRS 598C.180 is hereby amended to read as follows:

27 598C.180 1. The provisions of this chapter must be  
28 administered by the Commissioner of Consumer Affairs.

29 2. The Attorney General shall provide opinions for the  
30 Commissioner on all questions of law relating to the construction,  
31 interpretation or administration of this chapter.

32 3. The Attorney General shall represent the ~~Division~~  
33 *Consumer Affairs Unit of the Department of Business and*  
34 *Industry* in any action or proceeding brought by or against the  
35 Commissioner pursuant to any of the provisions of this chapter.

36 **Sec. 9.** NRS 599B.010 is hereby amended to read as follows:

37 599B.010 As used in this chapter, unless the context otherwise  
38 requires:

39 1. “Chance promotion” means any plan in which premiums are  
40 distributed by random or chance selection.

41 2. “Commissioner” means the Commissioner of Consumer  
42 Affairs.

43 3. “Consumer” means a person who is solicited by a seller or  
44 salesperson.



1 4. ~~["Division" means the Consumer Affairs Division of the~~  
2 ~~Department of Business and Industry.~~

3 ~~—5.]~~ "Donation" means a promise, grant or pledge of money,  
4 credit, property, financial assistance or other thing of value given in  
5 response to a solicitation by telephone, including, but not limited to,  
6 a payment or promise to pay in consideration for a performance,  
7 event or sale of goods or services. The term does not include  
8 volunteer services, government grants or contracts or a payment by  
9 members of any organization of membership fees, dues, fines or  
10 assessments or for services rendered by the organization to those  
11 persons, if:

12 (a) The fees, dues, fines, assessments or services confer a bona  
13 fide right, privilege, professional standing, honor or other direct  
14 benefit upon the member; and

15 (b) Membership in the organization is not conferred solely in  
16 consideration for making a donation in response to a solicitation.

17 ~~[6.]~~ 5. "Goods or services" means any property, tangible or  
18 intangible, real, personal or mixed, and any other article, commodity  
19 or thing of value.

20 ~~[7.]~~ 6. "Premium" includes any prize, bonus, award, gift or  
21 any other similar inducement or incentive to purchase.

22 ~~[8.]~~ 7. "Recovery service" means a business or other practice  
23 whereby a person represents or implies that he or she will, for a fee,  
24 recover any amount of money that a consumer has provided to a  
25 seller or salesperson pursuant to a solicitation governed by the  
26 provisions of this chapter.

27 ~~[9.]~~ 8. "Salesperson" means any person:

28 (a) Employed or authorized by a seller to sell, or to attempt to  
29 sell, goods or services by telephone;

30 (b) Retained by a seller to provide consulting services relating to  
31 the management or operation of the seller's business; or

32 (c) Who communicates on behalf of a seller with a consumer:

33 (1) In the course of a solicitation by telephone; or

34 (2) For the purpose of verifying, changing or confirming an  
35 order,

36 ↪ except that a person is not a salesperson if his or her only  
37 function is to identify a consumer by name only and he or she  
38 immediately refers the consumer to a salesperson.

39 ~~[10.]~~ 9. Except as otherwise provided in subsection ~~[11.]~~ 10,  
40 "seller" means any person who, on his or her own behalf, causes or  
41 attempts to cause a solicitation by telephone to be made through the  
42 use of one or more salespersons or any automated dialing  
43 announcing device under any of the following circumstances:

44 (a) The person initiates contact by telephone with a consumer  
45 and represents or implies:



1 (1) That a consumer who buys one or more goods or services  
2 will receive additional goods or services, whether or not of the same  
3 type as purchased, without further cost, except for actual postage or  
4 common carrier charges;

5 (2) That a consumer will or has a chance or opportunity to  
6 receive a premium;

7 (3) That the items for sale are gold, silver or other precious  
8 metals, diamonds, rubies, sapphires or other precious stones, or any  
9 interest in oil, gas or mineral fields, wells or exploration sites or any  
10 other investment opportunity;

11 (4) That the product offered for sale is information or  
12 opinions relating to sporting events;

13 (5) That the product offered for sale is the services of a  
14 recovery service; or

15 (6) That the consumer will receive a premium or goods or  
16 services if he or she makes a donation;

17 (b) The solicitation by telephone is made by the person in  
18 response to inquiries from a consumer generated by a notification or  
19 communication sent or delivered to the consumer that represents or  
20 implies:

21 (1) That the consumer has been in any manner specially  
22 selected to receive the notification or communication or the offer  
23 contained in the notification or communication;

24 (2) That the consumer will receive a premium if the recipient  
25 calls the person;

26 (3) That if the consumer buys one or more goods or services  
27 from the person, the consumer will also receive additional or other  
28 goods or services, whether or not the same type as purchased,  
29 without further cost or at a cost that the person represents or implies  
30 is less than the regular price of the goods or services;

31 (4) That the product offered for sale is the services of a  
32 recovery service; or

33 (5) That the consumer will receive a premium or goods or  
34 services if he or she makes a donation; or

35 (c) The solicitation by telephone is made by the person in  
36 response to inquiries generated by advertisements that represent or  
37 imply that the person is offering to sell any:

38 (1) Gold, silver or other metals, including coins, diamonds,  
39 rubies, sapphires or other stones, coal or other minerals or any  
40 interest in oil, gas or other mineral fields, wells or exploration sites,  
41 or any other investment opportunity;

42 (2) Information or opinions relating to sporting events; or

43 (3) Services of a recovery service.

44 ~~11-1~~ 10. "Seller" does not include:





1 (a) A person licensed pursuant to chapter 90 of NRS when  
2 soliciting offers, sales or purchases within the scope of his or her  
3 license.

4 (b) A person licensed pursuant to chapter 119A, 119B, 624, 645  
5 or 696A of NRS when soliciting sales within the scope of his or her  
6 license.

7 (c) A person licensed as an insurance broker, agent or solicitor  
8 when soliciting sales within the scope of his or her license.

9 (d) Any solicitation of sales made by the publisher of a  
10 newspaper or magazine or by an agent of the publisher pursuant to a  
11 written agreement between the agent and publisher.

12 (e) A broadcaster soliciting sales who is licensed by any state or  
13 federal authority, if the solicitation is within the scope of the  
14 broadcaster's license.

15 (f) A person who solicits a donation from a consumer when:

16 (1) The person represents or implies that the consumer will  
17 receive a premium or goods or services with an aggregated fair  
18 market value of 2 percent of the donation or \$50, whichever is less;  
19 or

20 (2) The consumer provides a donation of \$50 or less in  
21 response to the solicitation.

22 (g) A charitable organization which is registered or approved to  
23 conduct a lottery pursuant to chapter 462 of NRS.

24 (h) A public utility or motor carrier which is regulated pursuant  
25 to chapter 704 or 706 of NRS, or by an affiliate of such a utility or  
26 motor carrier, if the solicitation is within the scope of its certificate  
27 or license.

28 (i) A utility which is regulated pursuant to chapter 710 of NRS,  
29 or by an affiliate of such a utility.

30 (j) A person soliciting the sale of books, recordings,  
31 videocassettes, software for computer systems or similar items  
32 through:

33 (1) An organization whose method of sales is governed by  
34 the provisions of Part 425 of Title 16 of the Code of Federal  
35 Regulations relating to the use of negative option plans by sellers in  
36 commerce;

37 (2) The use of continuity plans, subscription arrangements,  
38 arrangements for standing orders, supplements, and series  
39 arrangements pursuant to which the person periodically ships  
40 merchandise to a consumer who has consented in advance to receive  
41 the merchandise on a periodic basis and has the opportunity to  
42 review the merchandise for at least 10 days and return it for a full  
43 refund within 30 days after it is received; or

44 (3) An arrangement pursuant to which the person ships  
45 merchandise to a consumer who has consented in advance to receive



1 the merchandise and has the opportunity to review the merchandise  
2 for at least 10 days and return it for a full refund within 30 days after  
3 it is received.

4 (k) A person who solicits sales by periodically publishing and  
5 delivering a catalog to consumers if the catalog:

6 (1) Contains a written description or illustration of each item  
7 offered for sale and the price of each item;

8 (2) Includes the business address of the person;

9 (3) Includes at least 24 pages of written material and  
10 illustrations;

11 (4) Is distributed in more than one state; and

12 (5) Has an annual circulation by mailing of not less than  
13 250,000.

14 (l) A person soliciting without the intent to complete and who  
15 does not complete, the sales transaction by telephone but completes  
16 the sales transaction at a later face-to-face meeting between the  
17 solicitor and the consumer, if the person, after soliciting a sale by  
18 telephone, does not cause another person to collect the payment  
19 from or deliver any goods or services purchased to the consumer.

20 (m) Any commercial bank, bank holding company, subsidiary or  
21 affiliate of a bank holding company, trust company, savings and  
22 loan association, savings bank, credit union, industrial loan  
23 company, personal property broker, consumer finance lender,  
24 commercial finance lender, or insurer subject to regulation by an  
25 official or agency of this State or of the United States, if the  
26 solicitation is within the scope of the certificate or license held by  
27 the entity.

28 (n) A person holding a certificate of authority issued pursuant to  
29 chapter 452 of NRS when soliciting sales within the scope of the  
30 certificate.

31 (o) A person licensed pursuant to chapter 689 of NRS when  
32 soliciting sales within the scope of his or her license.

33 (p) A person soliciting the sale of services provided by a video  
34 service provider subject to regulation pursuant to chapter 711 of  
35 NRS.

36 (q) A person soliciting the sale of agricultural products, if the  
37 solicitation is not intended to and does not result in a sale of more  
38 than \$100 that is to be delivered to one address. As used in this  
39 paragraph, "agricultural products" has the meaning ascribed to it in  
40 NRS 587.290.

41 (r) A person who has been operating, for at least 2 years, a retail  
42 business establishment under the same name as that used in  
43 connection with the solicitation of sales by telephone if, on a  
44 continuing basis:



1 (1) Goods are displayed and offered for sale or services are  
2 offered for sale and provided at the person's business establishment;  
3 and

4 (2) At least 50 percent of the person's business involves the  
5 buyer obtaining such goods or services at the person's business  
6 establishment.

7 (s) A person soliciting only the sale of telephone answering  
8 services to be provided by the person or his or her employer.

9 (t) A person soliciting a transaction regulated by the Commodity  
10 Futures Trading Commission, if:

11 (1) The person is registered with or temporarily licensed by  
12 the Commission to conduct that activity pursuant to the Commodity  
13 Exchange Act, 7 U.S.C. §§ 1 et seq.; and

14 (2) The registration or license has not expired or been  
15 suspended or revoked.

16 (u) A person who contracts for the maintenance or repair of  
17 goods previously purchased from the person:

18 (1) Making the solicitation; or

19 (2) On whose behalf the solicitation is made.

20 (v) A person to whom a license to operate an information  
21 service or a nonrestricted gaming license, which is current and valid,  
22 has been issued pursuant to chapter 463 of NRS when soliciting  
23 sales within the scope of his or her license.

24 (w) A person who solicits a previous customer of the business  
25 on whose behalf the call is made if the person making the call:

26 (1) Does not offer the customer any premium in connection  
27 with the sale;

28 (2) Is not selling an investment or an opportunity for an  
29 investment that is not registered with any state or federal authority;  
30 and

31 (3) Is not regularly engaged in telephone sales.

32 (x) A person who solicits the sale of livestock.

33 (y) An issuer which has a class of securities that is listed on the  
34 New York Stock Exchange, the American Stock Exchange or the  
35 National Market System of the National Association of Securities  
36 Dealers Automated Quotation System.

37 (z) A subsidiary of an issuer that qualifies for exemption  
38 pursuant to paragraph (y) if at least 60 percent of the voting power  
39 of the shares of the subsidiary is owned by the issuer.

40 ***11. "Unit" means the Consumer Affairs Unit of the***  
41 ***Department of Business and Industry.***

42 **Sec. 10.** 1. Any administrative regulations adopted by an  
43 officer or an agency whose name has been changed or whose  
44 responsibilities have been transferred pursuant to the provisions of  
45 this act to another officer or agency remain in force until amended



1 by the officer or agency to which the responsibility for the adoption  
2 of the regulations has been transferred.

3 2. Any contracts or other agreements entered into by an officer  
4 or agency whose name has been changed or whose responsibilities  
5 have been transferred pursuant to the provisions of this act to  
6 another officer or agency are binding upon the officer or agency to  
7 which the responsibility for the administration of the provisions of  
8 the contract or other agreement has been transferred. Such contracts  
9 and other agreements may be enforced by the officer or agency to  
10 which the responsibility for the enforcement of the provisions of the  
11 contract or other agreement has been transferred.

12 3. Any action taken by an officer or agency whose name has  
13 been changed or whose responsibilities have been transferred  
14 pursuant to the provisions of this act to another officer or agency  
15 remains in effect as if taken by the officer or agency to which the  
16 responsibility for the enforcement of such actions has been  
17 transferred.

18 **Sec. 11.** The Legislative Counsel shall:

19 1. In preparing the reprint and supplements to the Nevada  
20 Revised Statutes, appropriately change any references to an officer,  
21 agency or other entity whose name is changed or whose  
22 responsibilities are transferred pursuant to the provisions of this act  
23 to refer to the appropriate officer, agency or other entity.

24 2. In preparing supplements to the Nevada Administrative  
25 Code, appropriately change any references to an officer, agency or  
26 other entity whose name is changed or whose responsibilities are  
27 transferred pursuant to the provisions of this act to refer to the  
28 appropriate officer, agency or other entity.

29 **Sec. 12.** NRS 598.435 and 598.9413 are hereby repealed.

30 **Sec. 13.** This act becomes effective on July 1, 2021.

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**TEXT OF REPEALED SECTIONS**

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**598.435 “Division” defined.** “Division” means the  
Consumer Affairs Division of the Department of Business and  
Industry.

**598.9413 “Division” defined.** “Division” means the  
Consumer Affairs Division of the Department of Business and  
Industry.

