

Assembly Bill No. 55—Assemblymen Anderson, Parks, Buckley,
Claborn, Conklin, Horne, Manendo, Ocegüera and Williams
(by request)

CHAPTER.....

AN ACT relating to convicted persons; expanding the crimes for which a defendant is required to submit a biological specimen when he is found guilty; providing for the immediate restoration of the civil right to vote and to sit as a juror in a civil action and for the automatic restoration of certain other civil rights of certain ex-felons on specified future dates; providing for the automatic restoration of the civil rights of a person whose records of conviction are sealed; limiting the persons who are required to register as convicted persons; prohibiting a law enforcement agency from requiring a convicted person to carry a registration card; revising the provisions governing the employment of certain convicted felons; revising the provisions governing the certification and licensure of certain convicted felons in certain professions and occupations; and providing other matters properly relating thereto.

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

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that

has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. ~~The~~ *Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:*

- (a) A category A felony;
- (b) A category B felony;
- (c) A category C felony involving the use or threatened use of force or violence against the victim;
- (d) A crime against a child as defined in NRS 179D.210;
- (e) A sexual offense as defined in NRS 179D.410;
- (f) Abuse or neglect of an older person pursuant to NRS 200.5099;

(g) A second or subsequent offense for stalking pursuant to NRS 200.575; ~~or~~

(h) An attempt or conspiracy to commit an offense listed in ~~this subsection~~ *paragraphs (a) to (g), inclusive;*

(i) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this state of committing an offense listed in paragraph (a), (b), (c), (f), (g) or (h); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (f), (g) or (h) if committed in this state;

(j) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or

(k) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. *A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.*

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of his probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation

officer, has been unable to make restitution as ordered by the court, may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. ~~[A]~~ *Except as otherwise provided in subsection 4, a person who has been* honorably discharged from probation:

(a) Is free from the terms and conditions of his probation. ~~;~~

~~—(b) If he meets the requirements of NRS 176A.860, may apply to the Division to request a restoration of his civil rights; and~~

~~—(c)]~~ *(b) Is immediately restored to the following civil rights:*

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.

~~[The person must]~~

(f) Must be informed of the provisions of this section and NRS ~~[176A.860 and]~~ 179.245 in his probation papers.

~~[—A person honorably discharged from probation who has had his civil rights restored by the court:~~

~~—(a)]~~ *(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.*

~~[(b) May vote, hold office or serve as a juror.~~

~~—(c)]~~ *(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, “establishment” has the meaning ascribed to it in NRS 463.0148.*

~~[(d)]~~ *(i) Except as otherwise provided in paragraph ~~[(e)]~~ (h), need not disclose the conviction to an employer or prospective employer.*

~~[5.]~~ *4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this state:*

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person ~~{whose civil rights have been restored or}~~ who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, ~~{who has had his civil rights restored or who has been honorably discharged from probation,}~~ the prior conviction may be pleaded and proved if otherwise admissible.

6. *Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:*

(a) That he has received an honorable discharge from probation;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. *Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this state or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.*

8. *A person who has been honorably discharged from probation in this state or elsewhere may present:*

(a) *Official documentation of his honorable discharge from probation, if it contains the provisions set forth in subsection 6; or*

(b) *A court order restoring his civil rights, as proof that he has been restored to the civil rights set forth in subsection 3.*

Sec. 3. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301 ~~[, if]~~

1. *If the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365:*

~~[H-]~~ (a) *All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.*

~~[2.—The court shall order the civil rights of the person to whom the order pertains to be restored if the person has not been restored to his civil rights.]~~

(b) *The person is immediately restored to the following civil rights if his civil rights previously have not been restored:*

- (1) *The right to vote;*
- (2) *The right to hold office; and*
- (3) *The right to serve on a jury.*

2. *Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.*

3. *A person who has had his records sealed in this state or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.*

4. *A person who has had his records sealed in this state or any other state may present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the right to vote, to hold office and to serve as a juror.*

Sec. 4. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and *the* Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, for purposes of determining the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or gaming work permit pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records ~~[may]~~ :

(a) *May* form the basis for recommendation, denial or revocation of those licenses . ~~[for work permits.]~~

(b) *Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.*

2. The Central Repository *for Nevada Records of Criminal History* and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

3. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository or a law enforcement officer in the regular course of his duties.

Sec. 5. NRS 179C.010 is hereby amended to read as follows:

179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, "convicted person" means:

(a) A person convicted in the State of Nevada ~~[of an offense that is punishable as a felony]~~ or convicted in any place other than the State of Nevada of ~~[a felony];~~

~~—(b) A person convicted in the State of Nevada, or elsewhere, of the violation of a law, regardless of whether the violation is punishable as a felony;~~

~~—(1) Relating to or regulating the possession, distribution, furnishing or use of a habit forming drug of the kind or character described and referred to in the Uniform Controlled Substances Act;~~

~~—(2) Regulating or prohibiting the carrying, possession or ownership of a concealed weapon, deadly weapon or weapon capable of being concealed, or regulating or prohibiting the possession, sale or use of a device, instrument or attachment designed or intended to be used to silence the report or conceal the discharge or flash of any firearm; or~~

~~(3) Regulating or prohibiting the use, possession, manufacture or compounding of tear gas, or any other gas, that may be used to disable temporarily or permanently a human being; or~~
~~(c) A person convicted in the State of Nevada, or elsewhere, of an attempt or a conspiracy to commit an offense described or referred to in this subsection.]~~ *two or more offenses punishable as felonies.*

(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.

(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this state on July 1, 2003.

2. For the purposes of this chapter, “convicted person” does not include:

(a) A person who has been convicted of a crime against a child, as defined in NRS 179D.210, or a sexual offense, as defined in NRS 179D.410; or

(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.

Sec. 6. NRS 179C.100 is hereby amended to read as follows:

179C.100 1. It is unlawful for a convicted person to be or remain in the State of Nevada for a period of more than 48 hours without, during such 48-hour period, registering with the sheriff of a county or the chief of police of a city in the manner prescribed in this section.

2. A convicted person who does not reside in the State of Nevada but who has a temporary or permanent place of abode outside the State of Nevada, and who comes into the State on five occasions or more during any 30-day period, is subject to the provisions of this chapter.

3. A person who has registered as a convicted person with the sheriff of a county or the chief of police of a city shall register again as provided in this section if he subsequently commits another offense described or referred to in this chapter.

4. A person required by this section to register shall do so by filing with the sheriff or chief of police a statement in writing, upon a form prescribed and furnished by the sheriff or chief of police, which is signed by the person and which provides the following information:

(a) His true name and each alias that he has used or under which he may have been known;

(b) A full and complete description of his person;

(c) The kind, character and nature of each crime of which he has been convicted;

(d) The place in which he was convicted of each crime;

(e) The name under which he was convicted in each instance and the date thereof;

(f) The name, if any, and the location of each prison, reformatory, jail or other penal institution in which he was confined or to which he was sentenced;

(g) The location and address of his residence, stopping place, living quarters or place of abode, and if more than one residence, stopping place or place of abode, that fact must be stated and the location and address of each given;

(h) The kind of residence, stopping place, or place of abode in which he resides, including whether it is a private residence, hotel, apartment house or other building or structure;

(i) The length of time he has occupied each place of residence, stopping place or place of abode, and the length of time he expects or intends to remain in the State of Nevada; and

(j) Any further information that may be required by the sheriff or chief of police for the purpose of aiding and assisting in carrying into effect the provisions and intent of this chapter.

5. *The sheriff of a county or the chief of police of a city shall not require a convicted person to carry a registration card, and no convicted person who is required to register pursuant to this section may be punished for the failure to carry a registration card.*

6. When so ordered in the individual case by the district court in which the conviction was obtained, by the State Board of Parole Commissioners or by the State Board of Pardons Commissioners, whichever is appropriate, the provisions of this section do not apply to a convicted person who has had his civil rights restored.

Sec. 7. NRS 6.010 is hereby amended to read as follows:

6.010 ~~Every~~ *Except as otherwise provided in this section, every* qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which he resides. *A person who has been convicted of a felony is not a qualified juror of the county in which he resides until his civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157.*

Sec. 8. NRS 119A.230 is hereby amended to read as follows:

119A.230 1. The Administrator may impose a fine or suspend, revoke, reissue, subject to conditions, or deny the renewal of any sales agent's license issued under the provisions of this chapter at any time if the sales agent has, by false or fraudulent application or representation, obtained a license or, whether or not acting as a sales agent, is found guilty of:

- (a) Making any material misrepresentation;
- (b) Making any false promises of a character likely to influence, persuade or induce;
- (c) Engaging in any fraudulent, misleading or oppressive sales techniques or tactics;
- (d) Accepting a commission or valuable consideration as a sales agent for the performance of any of the acts specified in this chapter from any person except a licensed project broker with whom the sales agent is associated or the developer by whom he is employed;
- (e) Failing, within a reasonable time, to account for or remit or turn over to the project broker any money which comes into his possession and which belongs to others;
- (f) Violating any of the provisions of this chapter or chapter 119B of NRS or of any regulation adopted pursuant to either chapter, or willfully aiding or abetting another to do so; or
- (g) A felony *relating to the practice of a sales agent* or other crime of moral turpitude or has entered a plea of nolo contendere to a felony *relating to the practice of a sales agent* or other crime of moral turpitude.

2. The Administrator may investigate the actions of any sales agent or any person who acts in such a capacity within the State of Nevada.

Sec. 9. NRS 138.020 is hereby amended to read as follows:

138.020 1. No person is qualified to serve as an executor who, at the time the will is probated:

- (a) Is under the age of majority;
- (b) Has been convicted of a felony ~~relating to the position of an executor;~~ *relating to the position of an executor;*
- (c) Upon proof, is adjudged by the court disqualified to execute the duties of executor by reason of drunkenness, improvidence or lack of integrity or understanding; or
- (d) Is a bank not authorized to do business in the State of Nevada, unless it associates as coexecutor a bank authorized to do business in this state. An out-of-state bank is qualified to appoint a substitute executor, pursuant to NRS 138.045, without forming such an association, but any natural person so appointed must be a resident of this state.

2. If a disqualified person is named as the sole executor in a will, or if all persons so named are disqualified or renounce their right to act, or fail to appear and qualify, letters of administration with the will annexed must issue.

Sec. 10. NRS 139.010 is hereby amended to read as follows:

139.010 No person is entitled to letters of administration who:

- 1. Is under the age of majority;
- 2. Has been convicted of a felony ~~relating to the position of an administrator;~~ *relating to the position of an administrator;*

3. Upon proof, is adjudged by the court disqualified by reason of conflict of interest, drunkenness, improvidence, or lack of integrity or understanding; or

4. Is not a resident of the State of Nevada and who does not associate as coadministrator a resident of the State of Nevada or which, in the case of a banking corporation, is not authorized to do business in this state and does not associate as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this state.

Sec. 11. NRS 159.059 is hereby amended to read as follows:

159.059 Any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.
2. Is a minor.
3. Has been convicted of a felony ~~[]~~ *relating to the position of a guardian.*
4. Has been suspended for misconduct or disbarred from the practice of law during the period of the suspension or disbarment.
5. Is a nonresident of this state and has not:
 - (a) Associated as a coguardian, a resident of this state or a banking corporation whose principal place of business is in this state; and
 - (b) Caused the appointment to be filed in the guardianship proceeding.
6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult.

Sec. 12. NRS 202.760 is hereby amended to read as follows:

202.760 It is unlawful for any person:

1. Who is under indictment for, or has been convicted in any court of, a crime *relating to the practice of shipping or transporting explosives that is* punishable by imprisonment for a term exceeding 1 year;
2. Who is a fugitive from justice;
3. Who is an unlawful user of or addicted to any depressant or stimulant drug or any controlled substance; or
4. Who has been judicially declared mentally ill or who has been committed to a hospital as mentally ill, to ship or transport any explosive within the State or to receive any explosive which has been shipped or transported within the State.

Sec. 13. NRS 213.090 is hereby amended to read as follows:

213.090 1. ~~[When a pardon]~~ *Except as otherwise provided in subsection 2, a person who is granted a pardon for any offense committed ~~[, the pardon may or may not include restoration of civil rights. If the pardon includes restoration of civil rights, it must be so~~*

~~stated in the instrument or certificate of pardon and, when granted upon conditions, limitations or restrictions, they must be fully set forth in the instrument.~~

~~—2.— In any case where a convicted person has received a pardon without immediate restoration of his civil rights, he may apply to the State Board of Pardons Commissioners for restoration of his civil rights and release from penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~—3.— Upon receiving an application pursuant to subsection 2, the Board shall determine whether the applicant has received a pardon. If the Board determines that the applicant has received a pardon, the Board shall, as soon as reasonably practicable, restore him to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~—4.— An applicant]:~~

~~(a) Is immediately restored to the following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The right to serve as a juror in a civil action.~~

~~(b) Four years after the date that his pardon is granted, is restored to the right to hold office.~~

~~(c) Six years after the date that his pardon is granted, is restored to the right to serve as a juror in a criminal action.~~

~~2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been granted a pardon if the person has previously been convicted in this state:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date that his pardon is granted.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date that his pardon is granted.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.~~

~~3. Except for a person subject to the limitations set forth in subsection 2, upon receiving a pardon, a person so pardoned must be given an official document which provides:~~

- (a) *That he has been granted a pardon;*
- (b) *That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date that his pardon is granted;*
- (c) *The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and*
- (d) *The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.*

4. *Subject to the limitations set forth in subsection 2, a person who has been granted a pardon in this state or elsewhere and whose official documentation of his pardon is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been granted a pardon and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to ~~have his civil rights restored or to be released from penalties and disabilities pursuant to this section.~~ receive such an order.*

5. *A person who has been granted a pardon in this state or elsewhere may present:*

- (a) *Official documentation of his pardon, if it contains the provisions set forth in subsection 3; or*
- (b) *A court order restoring his civil rights,*
as proof that he has been restored to the civil rights set forth in subsection 1.

Sec. 14. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~[The Board may restore a paroled prisoner to his civil rights, conditioned upon the prisoner receiving]~~ *Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154 ~~[Such restoration must take effect at the expiration of the parole of the prisoner.~~*

~~—2. In any case where a convicted person has completed his parole without immediate restoration of his civil rights and has been issued an honorable discharge from parole pursuant to NRS 213.154, he may apply to the Division to request a restoration of his civil rights and release from penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~—3. Upon receiving an application pursuant to subsection 2, the Division shall determine whether the applicant has received an honorable discharge from parole. If the Division determines that the applicant has received an honorable discharge, the Division shall forward the application to the Board.~~

~~4. Upon receiving an application pursuant to subsection 3, the Board shall, as soon as reasonably practicable, restore the applicant to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~5. An applicant]:~~

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. *Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this state or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to ~~have his civil rights restored or to be released from penalties and disabilities pursuant to this section.~~*

~~—6.— receive such an order.~~

5. *A person who has been honorably discharged from parole in this state or elsewhere may present:*

(a) *Official documentation of his honorable discharge from parole, if it contains the provisions set forth in subsection 3; or*

(b) *A court order restoring his civil rights, as proof that he has been restored to the civil rights set forth in subsection 1.*

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 15. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~[In any case where a]~~ *Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison ~~[, he may apply to the Division requesting restoration of his civil rights and release from all penalties and disabilities which resulted from the offense or crime of which he was convicted.~~*

~~—2.— Upon receiving an application pursuant to subsection 1, the Division shall determine whether the applicant has served his sentence and been released from prison. If the division determines that the applicant has served his sentence and been released from prison, the Division shall forward the application to the district court in which the conviction was obtained.~~

~~—3.— Upon receiving an application pursuant to subsection 2, the court shall, as soon as reasonably practicable, restore the civil rights of the applicant and release him from all penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~—4.— An applicant]:~~

(a) *Is immediately restored to the following civil rights:*

(1) *The right to vote; and*

(2) *The right to serve as a juror in a civil action.*

(b) *Four years after the date of his release from prison, is restored to the right to hold office.*

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this state or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to ~~have his civil rights restored or to be~~

~~released from penalties and disabilities pursuant to this section.]~~
receive such an order.

5. A person who has been released from prison in this state or elsewhere may present:

(a) Official documentation of his release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights, as proof that he has been restored to the civil rights set forth in subsection 1.

Sec. 16. NRS 248.010 is hereby amended to read as follows:

248.010 1. Sheriffs ~~shall~~ *must* be elected by the qualified electors of their respective counties.

2. Sheriffs ~~shall~~ *must* be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the ~~1st~~ *first* Monday of January subsequent to their election.

3. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.

Sec. 17. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties.

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 400,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 400,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the

office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

4. *A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.*

Sec. 18. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who has been convicted of a felony in this state or any other state is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer regardless of whether he has been restored to his civil rights.

Sec. 19. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.600, inclusive, ***and section 18 of this act***, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school must consist of at least three teachers, as defined in subsection 4, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. A majority of the members of the governing body must reside in this state. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person has not been convicted of a felony ***relating to serving on the governing body of a charter school*** or any offense involving moral turpitude.

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

The term does not include a person who is employed as a substitute teacher.

Sec. 21. NRS 398.460 is hereby amended to read as follows:

398.460 1. Except as otherwise provided in subsection 2, the Secretary of State shall issue a certificate of registration to a natural person who complies with NRS 398.452 or whose application has been accepted under NRS 398.456.

2. The Secretary of State may refuse to issue a certificate of registration if he determines that the applicant has engaged in conduct that has a significant adverse effect on his fitness to act as an athlete's agent. In making this determination, the Secretary of State may consider whether the applicant has:

(a) Been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony ~~relating~~ *relating to his fitness to act as an athlete's agent*;

(b) Made a materially false, misleading, deceptive or fraudulent representation in his application or as an athlete's agent;

(c) Engaged in conduct that would disqualify him from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by NRS 398.496;

(e) Had registration or licensure as an athlete's agent suspended, revoked or denied, or been refused renewal of registration or licensure as an athlete's agent, in any state;

(f) Engaged in conduct whose consequence was that a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or an institution; or

(g) Engaged in conduct that significantly adversely reflects on his credibility, honesty or integrity.

3. In making a determination pursuant to subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Any other relevant conduct of the applicant.

Sec. 22. NRS 463.335 is hereby amended to read as follows:

463.335 1. The Legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the Board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees and independent agents in the State of Nevada; and

(b) Maintain confidential records of such information.

2. Except as otherwise provided in subsection 3, a person may not be employed as a gaming employee or serve as an independent agent unless he is the holder of a valid work permit to work as a gaming employee issued pursuant to this section. A work permit to work as a gaming employee may be issued by the Board or by a county or city licensing authority. An applicant for a work permit shall file his application for a work permit with the licensing authority of the city in which he resides if that city requires a work permit. If the city in which he resides does not require such a permit, the applicant shall file his application with the licensing authority of the county in which he resides if that county requires a work permit. If the county in which he resides does not require such a permit, the applicant shall file his application with the Board. The Board shall, by regulation, prescribe the form for an application for a work permit to work as a gaming employee. The fee for such a permit may be charged only to cover the actual investigative and administrative costs related to processing an application for such a permit and must not exceed \$75.

3. An independent agent is not required to hold a work permit if he is not a resident of this state and has registered with the Board in accordance with the provisions of the regulations adopted by the Commission.

4. Upon receipt of an application for a work permit to work as a gaming employee, the Board or licensing authority shall conduct an investigation of the applicant to determine whether he is eligible for the permit. In conducting the investigation, the Board or licensing authority shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant.

5. A work permit issued to a gaming employee or an independent agent must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

6. Unless denied or objected to by the Board at the time that the permittee filed a notice of a change in his place of employment pursuant to subsection 8 and unless suspended or revoked, such a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year,

for the purposes of this section, his date of birth shall be deemed to be on February 28.

7. Whenever any person applies to a county or city licensing authority for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the Board, and may at the discretion of the county or city licensing authority issue a temporary work permit that is valid for 120 days. If within 120 days after receipt by the Board of the copy of the application, the Board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a permanent work permit to the applicant.

8. A gaming employee who is issued a work permit is eligible for employment in any licensed gaming establishment in this state until the work permit is denied or objected to by the Board, expires or is revoked. However, each such employee shall notify the Board within 10 days following any change of his place of employment at a gaming establishment. Such a notification shall be deemed an application for a work permit that the Board may deny or object to after conducting any investigations the Board deems appropriate. The provisions of subsections 9 to 16, inclusive, apply to any such objection of the Board. The Commission shall adopt regulations to:

(a) Facilitate uniform procedures for the issuance of work permits by counties and cities;

(b) Establish uniform criteria for denial by a county or city licensing authority of an application for a work permit; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who possesses a valid work permit.

9. If the Board, within the 120-day period, notifies:

(a) The county or city licensing authority; and

(b) The applicant,

that the Board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the Board which is sent to the applicant must include a statement of the facts upon which the Board relied in making its objection.

10. Whenever an application for a work permit is made to the Board and the Board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application.

11. Any person whose application for a work permit has been denied because of an objection by the Board or whose application has been denied by the Board may, not later than 60 days after receiving notice of the denial or objection, apply to the Board for a

hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the Board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well-founded, and the failure precludes administrative or judicial review. At the hearing, the Board shall take any testimony deemed necessary. After the hearing, the Board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit.

12. The Board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the Board. The Board may object or refuse if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the Board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the Commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this state concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state ~~and~~ *and which relates to the applicant's suitability or qualifications to work as a gaming employee;*

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

If the Board issues or does not object to the issuance of a work permit to an applicant, it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit may be employed and establish such individual conditions for the issuance, renewal and effectiveness of the permit as the Board deems appropriate, including required submission to

unscheduled tests for the presence of alcohol or controlled substances.

13. Any applicant aggrieved by the decision of the Board may, within 15 days after the announcement of the decision, apply in writing to the Commission for review of the decision. Review is limited to the record of the proceedings before the Board. The Commission may sustain, modify or reverse the Board's decision. The decision of the Commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

14. Except as otherwise provided in this subsection, all records acquired or compiled by the Board or Commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the Welfare Division of the Department of Human Resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the Board shall disclose to the Division his social security number, residential address and current employer as that information is listed in the files and records of the Board. Any record of the Board or Commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

15. The Chairman of the Board may designate a member of the Board or the Board may appoint a hearing examiner and authorize that person to perform on behalf of the Board any of the following functions required of the Board by this section concerning work permits:

- (a) Conducting a hearing and taking testimony;
- (b) Reviewing the testimony and evidence presented at the hearing;
- (c) Making a recommendation to the Board based upon the testimony and evidence or rendering a decision on behalf of the Board to sustain or reverse the denial of a work permit or the objection to the issuance or renewal of a work permit; and
- (d) Notifying the applicant of the decision.

16. Notice by the Board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a

certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Sec. 23. NRS 489.421 is hereby amended to read as follows:

489.421 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:

1. Revocation or denial of a license issued pursuant to this chapter or an equivalent license in any other state, territory or country.

2. Failure of the licensee to maintain any other license required by any political subdivision of this state.

3. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice.

4. Failure to take the corrective action required in a notice of violation issued pursuant to NRS 489.291.

5. Failure or refusing to permit access by the Administrator to documentary materials set forth in NRS 489.231.

6. Disregarding or violating any order of the Administrator, any agreement with the Division, or any provision of this chapter or any regulation adopted under it.

7. Conviction of a misdemeanor for violation of any of the provisions of this chapter.

8. Conviction of or entering a plea of guilty, guilty but mentally ill or nolo contendere to ~~fel~~:

(a) A felony *relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter*; or ~~fel~~

(b) A crime of moral turpitude in this state or any other state, territory or country.

9. Any other conduct that constitutes deceitful, fraudulent or dishonest dealing.

Sec. 24. NRS 611.045 is hereby amended to read as follows:

611.045 1. The Labor Commissioner may issue a license to an applicant for the conduct of an employment agency:

(a) After making an investigation of the applicant and finding that he is of good moral character and has not been convicted of a felony *relating to the conduct of an employment agency* or any offense involving moral turpitude;

(b) After making an investigation of the premises where the proposed employment agency will be conducted and finding that the premises are suitable for the purpose;

(c) Upon determining that the applicant is a resident of this state; and

(d) Upon the applicant's payment of the licensing fee prescribed in NRS 611.060.

2. The Labor Commissioner shall complete his investigation of the applicant within 60 days after such applicant has submitted his application.

3. A license to conduct an employment agency is valid only as to the person and place named in the license and is effective from the date specified therein to and including the next following December 31, unless sooner suspended or revoked.

4. Annually at least 15 days prior to the expiration date of the license, the licensee must apply for renewal in the manner prescribed by regulation of the Labor Commissioner. Pending administrative action on a renewal application, the license may be continued in effect for a period not to exceed 60 days beyond the expiration date of the license.

Sec. 25. NRS 623A.065 is hereby amended to read as follows: 623A.065 For the purposes of this chapter, a person has good moral character if he:

1. ~~Has not been convicted of a class A felony;~~
~~—2.]~~ Has not been convicted of a felony, ~~{other than a class A felony or a}~~ misdemeanor or gross misdemeanor that is directly related to the practice of landscape architecture;

~~[3.]~~ 2. Has not committed an act involving dishonesty, fraud, misrepresentation, breach of a fiduciary duty, gross negligence or incompetence while engaged in the practice of landscape architecture;

~~[4.]~~ 3. Is not incarcerated in a jail or prison at the time of submitting an application for a certificate of registration or a certificate to practice as a landscape architect intern;

~~[5.]~~ 4. Has not committed fraud or misrepresentation in connection with:

(a) The submission of an application for a certificate of registration or certificate to practice as a landscape architect intern; or

(b) The taking of one or more examinations pursuant to the provisions of this chapter;

~~[6.]~~ 5. Has not had his certificate of registration suspended or revoked by the Board or in any other state or country;

~~[7.]~~ 6. Has not, in lieu of receiving disciplinary action against him, surrendered a certificate of registration or certificate to practice as a landscape architect intern in this state or a certificate or license to practice landscape architecture issued in another state or country;

~~[8.]~~ 7. Has not engaged in the practice of landscape architecture in this state or in any other state or country without a license or certificate of registration or certificate to practice as a landscape architect intern within the 2 years immediately preceding

the filing of an application for a certificate of registration or certificate to practice as a landscape architect intern pursuant to the provisions of this chapter; or

~~§ 8.~~ **8.** Has not, within the 5 years immediately preceding the filing of an application specified in subsection ~~§ 7,~~ engaged in unprofessional conduct in violation of the regulations adopted by the Board.

Sec. 26. NRS 623A.280 is hereby amended to read as follows:

623A.280 1. The following acts, among others, constitute cause for disciplinary action if proof satisfactory to the Board is presented that:

(a) A holder of a certificate of registration has signed or sealed instruments of service which were not prepared by him or under his direct supervision.

(b) A holder of a certificate of registration has permitted the use of his signature or seal by another person to evade the provisions of this chapter or any regulation adopted by the Board.

(c) A holder of a certificate of registration has not signed, sealed or dated instruments of service prepared by him.

(d) A holder of a certificate of registration or certificate to practice as a landscape architect intern impersonates a landscape architect or landscape architect intern of the same or similar name.

(e) A holder of a certificate of registration or certificate to practice as a landscape architect intern practices under an assumed, fictitious or corporate name.

(f) A holder of a certificate of registration or certificate to practice as a landscape architect intern practices landscape architecture in violation of the provisions of this chapter or any regulation adopted by the Board.

(g) A holder of a certificate of registration or certificate to practice as a landscape architect intern has obtained his certificate of registration or certificate to practice as a landscape architect intern by fraud or misrepresentation.

(h) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of fraud or deceit in the practice of landscape architecture.

(i) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of incompetency, negligence or gross negligence.

(j) A holder of a certificate of registration or certificate to practice as a landscape architect intern is convicted of, or enters a plea of nolo contendere to ~~§~~

~~(1) Any felony; or~~

~~(2) Any~~ **any** crime, an essential element of which is dishonesty, or which is directly related to the practice of landscape architecture.

(k) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of aiding or abetting any person in the violation of the provisions of this chapter or any regulation adopted by the Board.

(l) A person practices as a landscape architect with a certificate of registration or certificate to practice as a landscape architect intern that has expired or has been suspended or revoked.

(m) A holder of a certificate of registration or certificate to practice as a landscape architect intern is disciplined by an agency of another state or foreign country which regulates the practice of landscape architecture and at least one of the grounds for the disciplinary action taken is a ground for disciplinary action pursuant to the provisions of this chapter.

(n) A holder of a certificate of registration or certificate to practice as a landscape architect intern fails to comply with an order issued by the Board or to cooperate in an investigation conducted by the Board.

2. As used in this section:

(a) "Gross negligence" means conduct that demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct that, in the practice of landscape architecture, demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in the practice of landscape architecture.

Sec. 27. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor.

2. A conviction of a violation of NRS 624.730, ~~or~~ a felony *relating to the practice of a contractor* or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.245 or 108.246.

5. Failure to comply with NRS 597.713, 597.716 or 597.719 or any regulations of the Board governing contracts for the construction of residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

Sec. 28. NRS 625.410 is hereby amended to read as follows:

625.410 The Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.

2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.

3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.

4. Conviction of or entry of a plea of nolo contendere to ~~§~~

~~(a) Any felony; or~~

~~(b) Any] any~~ crime, an essential element of which is dishonesty, or which is directly related to the practice of engineering or land surveying.

5. A violation of any provision of this chapter or regulation adopted by the Board.

6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.

8. Failing to comply with an order issued by the Board.

9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

Sec. 29. NRS 625A.160 is hereby amended to read as follows:

625A.160 The grounds for initiating disciplinary action under this chapter are:

1. Unprofessional conduct;

2. Conviction of a felony *relating to the practice of an environmental health specialist* or any offense involving moral turpitude;

3. The suspension or revocation of a certificate or license as an environmental health specialist by any other jurisdiction; or

4. Failure to meet the requirements for continuing education.

Sec. 30. NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is a resident of this state or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;

(b) Is a person who is without any history of acts involving dishonesty or moral turpitude;

(c) Complies with the requirements of education and experience as provided in NRS 628.200;

(d) Has submitted to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(e) Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he has been convicted of a felony *relating to the practice of a certified public accountant* under the laws of any state or of the United States.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

Sec. 31. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any registration or license granted to a registered public accountant under NRS 628.350, or any registration of a partnership, corporation, limited-liability company or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may censure the holder of any permit, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining registration or a license as a public accountant under this chapter, or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified or registered public accountant in the practice of public accounting or, if not in the practice of public accounting, of a kind which adversely affects the ability to perform public accounting.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony under the laws of any state or of the United States ~~H~~ *relating to the practice of public accounting.*

(f) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.

(g) Cancellation, revocation, suspension or refusal to renew authority to practice as a certified public accountant or a registered public accountant by any other state, for any cause other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his practice in the other state.

(h) Suspension or revocation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate or registrant; or

(2) Sixty days after the date upon which the holder of a certificate or registrant was granted his certificate or registration, if no permit was ever issued to him, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate, registration or permit of another person.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than \$5,000 for each violation of this section. The Board may recover:

(a) Attorney's fees and costs incurred with respect to a hearing held pursuant to this section from a person who is found in violation of any of the provisions of this section;

(b) Attorney's fees and costs incurred in the recovery of a civil penalty imposed pursuant to this section; and

(c) Any other costs incurred by the Board as a result of such a violation.

Sec. 32. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of ~~fa-felony,~~ any offense involving moral turpitude or any offense relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. The revocation, suspension, modification or limitation of the license to practice any type of medicine by any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when such a failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates

any provision of a national code of ethics adopted by the Board by regulation.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

Sec. 33. NRS 630A.340 is hereby amended to read as follows:

630A.340 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) ~~A felony;~~

~~(c)~~ A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive;

~~(d)~~ (c) Any offense involving moral turpitude; or

~~(e)~~ (d) Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine.

A plea of nolo contendere to any offense listed in ~~paragraph (a), (b), (c), (d) or (e)~~ **this subsection** shall be deemed a conviction.

3. The suspension, modification or limitation of a license to practice any type of medicine by any other jurisdiction.

4. The surrender of a license to practice any type of medicine or the discontinuance of the practice of medicine while under investigation by any licensing authority, medical facility, facility for the dependent, branch of the Armed Forces of the United States, insurance company, agency of the Federal Government or employer.

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

6. Professional incompetence.

Sec. 34. NRS 632.320 is hereby amended to read as follows:

632.320 The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

2. Is guilty of ~~a felony or~~ any offense:

(a) Involving moral turpitude; or

(b) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

in which case the record of conviction is conclusive evidence thereof.

3. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

5. Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.

6. Is mentally incompetent.

7. Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(c) Impersonating another licensed practitioner or holder of a certificate.

(d) Permitting or allowing another person to use his license or certificate to practice as a licensed practical nurse, registered nurse or nursing assistant.

(e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

(f) Physical, verbal or psychological abuse of a patient.

(g) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

8. Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

9. Is guilty of aiding or abetting any person in a violation of this chapter.

10. Has falsified an entry on a patient's medical chart concerning a controlled substance.

11. Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

12. Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing

assistant or has committed an act in another state which would constitute a violation of this chapter.

13. Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

14. Has willfully failed to comply with a regulation, subpoena or order of the Board.

For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 35. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony ~~§~~ *relating to the practice of osteopathic medicine;*

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.526.

Sec. 36. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony ~~§~~ *relating to the practice of chiropractic;*

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. Gross or repeated malpractice.

5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

Sec. 37. NRS 634A.170 is hereby amended to read as follows:

634A.170 The Board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:
 - (a) A felony ~~is~~ *relating to the practice of Oriental medicine;*
 - (b) Any offense involving moral turpitude;
 - (c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or
 - (d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;
3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;
4. Advertising by means of a knowingly false or deceptive statement;
5. Advertising, practicing or attempting to practice under a name other than one's own;
6. Habitual drunkenness or habitual addiction to the use of a controlled substance;
7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;
8. Sustaining a physical or mental disability which renders further practice dangerous;
9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;
10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;
11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;
12. Being adjudicated incompetent or insane;
13. Advertising in an unethical or unprofessional manner;
14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;
15. Willful disclosure of a privileged communication;

16. Failure of a licensee to designate the nature of his practice in the professional use of his name by the term doctor of Oriental medicine;

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering; and

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body.

Sec. 38. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony *relating to the practice of optometry* or a gross misdemeanor involving moral turpitude of which he has been convicted and from which he has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining his license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while he is in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

Sec. 39. NRS 637A.250 is hereby amended to read as follows:

637A.250 The Board may take disciplinary action against a licensee after a hearing which discloses that the licensee:

1. Has been convicted of a felony ~~§~~ *relating to the practice of hearing aid specialists.*
2. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
3. Obtained the license by fraud or misrepresentation.
4. Has made any false or fraudulent statements concerning hearing aids or the business of hearing aid specialist.
5. Has been guilty of negligence, incompetence or unprofessional conduct in his practice as a hearing aid specialist. As used in this subsection, "unprofessional conduct" includes, without limitation:
 - (a) Conduct which is intended to deceive or which the Board by specific regulation has determined is unethical;
 - (b) Conduct which is harmful to the public or any conduct detrimental to the public health or safety;
 - (c) Conduct for which disciplinary action was taken by an agency of another state which is authorized to regulate the practice of hearing aid specialists; and
 - (d) Knowingly employing, directly or indirectly, any person who is not licensed to fit or dispense hearing aids or whose license to fit or dispense hearing aids has been suspended or revoked.
6. Has loaned or transferred his license to another person.
7. Willfully violated any law of this state or any provision of this chapter regulating hearing aid specialists or the operation of an office, store or other location for dispensing hearing aids.

Sec. 40. NRS 637B.250 is hereby amended to read as follows:

637B.250 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.
2. Conviction of:
 - (a) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
 - (b) A felony ~~§~~ *relating to the practice of audiology or speech pathology;*
 - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
 - (d) Any offense involving moral turpitude.
3. Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.
4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.
5. Professional incompetence.

Sec. 41. NRS 638.140 is hereby amended to read as follows:

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;

2. Habitual drunkenness;

3. Addiction to the use of a controlled substance;

4. Conviction of or a plea of nolo contendere to a felony § *related to the practice of veterinary medicine*, or any offense involving moral turpitude;

5. Incompetence;

6. Negligence;

7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association, or an order of a court;

10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

12. Willful failure to accept service by mail or in person from the Board;

13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and

14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.

Sec. 42. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;
4. Is guilty of unprofessional conduct or conduct contrary to the public interest;
5. Is addicted to the use of any controlled substance;
6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;
7. Has been convicted of ~~fa~~:
 - (a) A felony *relating to holding a certificate, license, registration or permit pursuant to this chapter*; or ~~other~~
 - (b) Other crime involving moral turpitude, dishonesty or corruption;
8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;
10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;
11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;
12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;
13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;
14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this state;
15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store

over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him; or

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS.

Sec. 43. NRS 640A.200 is hereby amended to read as follows:

640A.200 1. The Board may, after notice and hearing, suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational therapy assistant, or may impose conditions upon the use of that license, if the Board determines that the holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare. The Board may reinstate a revoked license upon application by the person to whom the license was issued not less than 1 year after the license is revoked.

2. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held to consider the report within 30 days after receiving the report.

3. As used in this section, "unprofessional conduct" includes:

(a) The obtaining of a license by fraud or through the misrepresentation or concealment of a material fact;

(b) The conviction of ~~any crime, except a misdemeanor which does not involve~~:

(1) A felony or gross misdemeanor relating to the practice of occupational therapy; or

(2) Any crime involving moral turpitude; and

(c) The violation of any provision of this chapter or regulation of the Board adopted pursuant to this chapter.

Sec. 44. NRS 641.230 is hereby amended to read as follows:

641.230 The Board may suspend the license of a psychologist, place a psychologist on probation, revoke the license of a psychologist, require remediation for a psychologist or take any other action specified by regulation if the Board finds by a preponderance of the evidence that the psychologist has:

1. Been convicted of a felony ~~relating to the practice of psychology~~.

2. Been convicted of any crime or offense that reflects the inability of the psychologist to practice psychology with due regard for the health and safety of others.

3. Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology.

5. Aided or abetted the practice of psychology by a person not licensed by the Board.

6. Made any fraudulent or untrue statement to the Board.

7. Violated a regulation adopted by the Board.

8. Had his license to practice psychology suspended or revoked or has had any other disciplinary action taken against him by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

9. Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology issued to him by another state or territory of the United States, the District of Columbia or a foreign country.

10. Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

11. Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

12. Engaged in sexual activity with a patient.

13. Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

14. Been convicted of submitting a false claim for payment to the insurer of a patient.

Sec. 45. NRS 641A.310 is hereby amended to read as follows:

641A.310 The Board may refuse to grant a license or may suspend or revoke a license for any of the following reasons:

1. Conviction of a felony ~~or~~ *relating to the practice of marriage and family therapy* or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

2. Habitual drunkenness or addiction to the use of a controlled substance.

3. Impersonating a licensed marriage and family therapist or allowing another person to use his license.

4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

5. Rendering or offering to render services outside the area of his training, experience or competence.

6. Committing unethical practices contrary to the interest of the public as determined by the Board.

7. Unprofessional conduct as determined by the Board.

8. Negligence, fraud or deception in connection with services he is licensed to provide pursuant to this chapter.

Sec. 46. NRS 641B.400 is hereby amended to read as follows:

641B.400 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct;

2. Conviction of:

(a) A felony ~~§~~ *relating to the practice of social work;*

(b) Any offense involving moral turpitude; or

(c) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug as defined in chapter 454 of NRS;

3. Use of fraud or deception in:

(a) Applying for a license;

(b) Undergoing the initial licensing examination; or

(c) Rendering services as a social worker;

4. Allowing unauthorized use of a license issued pursuant to this chapter;

5. Professional incompetence;

6. Practicing social work without a license; and

7. The habitual use of alcohol or any controlled substance which impairs the ability to practice social work.

Sec. 47. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony ~~§~~ *relating to the practice of counseling alcohol and drug abusers;*

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers;

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers;

6. Engaging in the practice of counseling alcohol and drug abusers with an expired, suspended or revoked license or certificate; and

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board.

Sec. 48. NRS 642.130 is hereby amended to read as follows:

642.130 The following acts are grounds for which the Board may take disciplinary action against a person who is licensed to practice the profession of embalming pursuant to this chapter or refuse to issue such a license to an applicant therefor:

1. Gross incompetency.
2. Unprofessional, unethical or dishonest conduct.
3. Habitual intemperance.
4. Fraud or misrepresentation in obtaining or attempting to obtain a license to practice the profession of embalming.

5. Employment by the licensee of persons commonly known as "cappers," "steerers" or "solicitors," or of other persons to obtain funeral directing or embalming business.

6. Malpractice.
7. Gross immorality.
8. The unlawful use of any controlled substance.
9. Conviction of a felony ~~§~~ *relating to the practice of embalming.*

10. False or misleading advertising as defined in NRS 642.490, or false or misleading statements in the sale of merchandise or services.

11. Refusal to surrender promptly the custody of a dead human body upon the request of a person who is legally entitled to custody of the body.

12. Violation by the licensee of any provision of this chapter, any regulation adopted pursuant thereto or any other law of this state relating to the practice of any of the professions regulated by the Board.

13. The theft or misappropriation of money in a trust fund established and maintained pursuant to chapter 689 of NRS.

Sec. 49. NRS 642.470 is hereby amended to read as follows:

642.470 The following acts are grounds for which the Board may take disciplinary action against a person who holds a funeral director's license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials, or refuse to issue such a license or permit to an applicant therefor:

1. Conviction of a crime involving moral turpitude.
2. Unprofessional conduct.

3. False or misleading advertising.
4. Conviction of a felony ~~[]~~ *relating to the practice of funeral directors.*

5. Conviction of a misdemeanor that is related directly to the business of a funeral establishment.

Sec. 50. NRS 643.185 is hereby amended to read as follows:

643.185 1. The following are grounds for disciplinary action by the Board:

(a) Violation by any person licensed pursuant to the provisions of this chapter of any provision of this chapter or the regulations adopted by the Board.

(b) Conviction of a felony ~~[]~~ *relating to the practice of barbers.*

(c) Malpractice or incompetency.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Advertising, practicing or attempting to practice under another's name or trade name.

(f) Drunkenness or addiction to a controlled substance.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Impose a fine of not more than \$1,000; and

(d) Require the person to pay all costs incurred by the Board relating to the discipline of the person.

Sec. 51. NRS 645.633 is hereby amended to read as follows:

645.633 1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

(a) Willfully using any trade name, service mark or insigne of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

(b) Violating any order of the Commission, any agreement with the Division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

(c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

(d) ~~[A felony, or has]~~ *Has been convicted of, or* entered a plea of guilty, guilty but mentally ill or nolo contendere to ~~[a charge of]~~ :

(1) A felony relating to the practice of the licensee, property manager or owner-developer; or [any]

(2) **Any** crime involving fraud, deceit, misrepresentation or moral turpitude.

(e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

(f) Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

(g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

(h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before he became licensed, which was in fact unknown to the Division and which would have been grounds for denial of a license had the Division been aware of the conduct.

(k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

(l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. The Commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.

3. The Commission may take action pursuant to NRS 645.630 against any person who:

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a written brokerage agreement to manage the property pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such

corrective action is within the scope of the person's duties pursuant to the written brokerage agreement.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

5. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and

(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.

Sec. 52. NRS 645A.090 is hereby amended to read as follows:

645A.090 1. The Commissioner may refuse to license any escrow agent or agency or may suspend or revoke any license or impose a fine of not more than \$500 for each violation by entering an order to that effect, with his findings in respect thereto, if upon a hearing, it is determined that the applicant or licensee:

(a) In the case of an escrow agency, is insolvent;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto or has aided and abetted another to do so;

(c) In the case of an escrow agency, is in such a financial condition that he cannot continue in business with safety to his customers;

(d) Has committed fraud in connection with any transaction governed by this chapter;

(e) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact from, any principal or designated agent of a principal in the course of the escrow business;

(f) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant or licensee possesses;

(g) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(h) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be

required by the Commissioner pursuant to the provisions of this chapter;

(j) Has been convicted of a felony *relating to the practice of escrow agents or agencies* or any misdemeanor of which an essential element is fraud;

(k) In the case of an escrow agency, has failed to maintain complete and accurate records of all transactions within the last 6 years;

(l) Has commingled the money of others with his own or converted the money of others to his own use;

(m) Has failed, before the close of escrow, to obtain written escrow instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(n) Has failed to disclose in writing that he is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction; or

(o) In the case of an escrow agency, has:

(1) Failed to maintain adequate supervision of an escrow agent; or

(2) Instructed an escrow agent to commit an act which would be cause for the revocation of the escrow agent's license and the escrow agent committed the act. An escrow agent is not subject to disciplinary action for committing such an act under instruction by the escrow agency.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of the license of a partnership, corporation or any other association that any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend any license for not more than 30 days, pending a hearing, if upon examination into the affairs of the licensee it is determined that any of the grounds enumerated in subsection 1 or 2 exist.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

Sec. 53. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the office of the Commissioner and pay the fee required pursuant to

NRS 645B.050. An application for a license as a mortgage broker must:

- (a) Be verified.
 - (b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this state.
 - (c) State the name under which the applicant will conduct business as a mortgage broker.
 - (d) List the name, residence address and business address of each person who will:
 - (1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.
 - (2) Be associated with or employed by the mortgage broker as a mortgage agent.
 - (e) If the applicant is a natural person, include the social security number of the applicant.
 - (f) Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.
 - (g) State the length of time the applicant has been engaged in the business of a broker.
 - (h) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.
 - (i) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.
2. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office.
3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:
- (a) The application complies with the requirements of this chapter;
 - (b) The applicant submits the statement required pursuant to NRS 645B.023, if the applicant is required to do so; and
 - (c) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:
 - (1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a

mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage brokers* or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 54. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the office of the Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this state.

(c) State the name under which the applicant will conduct business as a mortgage broker.

(d) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(e) Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(f) State the length of time the applicant has been engaged in the business of a mortgage broker.

(g) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(h) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage brokers* or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 55. NRS 645B.0243 is hereby amended to read as follows:

645B.0243 The Commissioner may refuse to issue a license to an applicant if the Commissioner has reasonable cause to believe that the applicant or any general partner, officer or director of the applicant has, after October 1, 1999, employed or proposed to employ a person as a mortgage agent or authorized or proposed to

authorize a person to be associated with a mortgage broker as a mortgage agent at a time when the applicant or the general partner, officer or director knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

1. Had been convicted of, or entered a plea of nolo contendere to ~~f, a~~:

(a) A felony *relating to the practice of mortgage brokers*; or ~~any~~

(b) Any crime involving fraud, misrepresentation or moral turpitude; or

2. Had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

Sec. 56. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a mortgage agent if the person:

(a) Has been convicted of, or entered a plea of nolo contendere to ~~f, a~~:

(1) A felony *relating to the practice of mortgage agents*; or ~~any~~

(2) Any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

2. A mortgage agent may not be associated with or employed by more than one mortgage broker at the same time.

3. A mortgage broker shall register with the Division each person who will be associated with or employed by the mortgage broker as a mortgage agent. A mortgage broker shall register each such person with the Division when the person begins his association or employment with the mortgage broker and annually thereafter. A registration expires 12 months after its effective date.

4. To register a person as a mortgage agent, a mortgage broker must:

(a) Submit to the Division a registration form which is provided by the Division and which:

(1) States the name, residence address and business address of the person;

(2) Is signed by the person;

(3) Includes a provision by which the person gives his written consent to an investigation of his credit history, criminal history and background; and

(4) Includes any other information or supporting materials required by the regulations adopted by the Commissioner. Such information or supporting materials may include, without limitation,

a complete set of fingerprints from the person, the social security number of the person and other forms of identification of the person.

(b) For each initial registration, pay the actual costs and expenses incurred by the Division to investigate the credit history, criminal history and background of the person. All money received pursuant to this paragraph must be placed in the Investigative Account *for Financial Institutions* created by NRS 232.545.

(c) For each annual registration, submit to the Division satisfactory proof that the person attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the registration expires.

5. Not later than the date on which the mortgage broker submits the information for annual registration required by subsection 4, the person being registered shall pay an annual registration fee of \$125. If the person does not pay the annual registration fee, the person shall be deemed to be unregistered for the purposes of this chapter.

6. A mortgage broker shall not employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker as a mortgage agent if the mortgage broker has not registered the person with the Division pursuant to this section or if the person:

(a) Has been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage agents* or any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

7. If a mortgage agent terminates his association or employment with a mortgage broker for any reason, the mortgage broker shall, not later than the third business day following the date of termination:

(a) Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his termination is being reported to the Division; and

(b) Deliver or send by certified mail to the Division:

(1) A written statement of the circumstances surrounding the termination; and

(2) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 57. NRS 645B.670 is hereby amended to read as follows:
645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant, whether or not he is issued a license, the Commissioner may impose upon the

applicant an administrative fine of not more than \$10,000, if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than \$10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage brokers* or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the licensee as a mortgage agent at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage agents* or any crime involving fraud, misrepresentation or moral turpitude; or

(2) Had a financial services license or registration suspended or revoked within the immediately preceding 10 years; or

(t) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The Commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the licensee or by conducting an examination of the licensee.

Sec. 58. NRS 645C.460 is hereby amended to read as follows:

645C.460 1. Grounds for disciplinary action against a certified or licensed appraiser or registered intern include:

(a) Unprofessional conduct;

(b) Professional incompetence;

(c) A criminal conviction for a felony *relating to the practice of appraisers* or any offense involving moral turpitude; and

(d) The suspension or revocation of a registration card, certificate, license or permit to act as an appraiser in any other jurisdiction.

2. If grounds for disciplinary action against an appraiser or intern exist, the Commission may do one or more of the following:

(a) Revoke or suspend his certificate, license or registration card.

(b) Place conditions upon his certificate, license or registration card, or upon the reissuance of a certificate, license or registration card revoked pursuant to this section.

(c) Deny the renewal of his certificate, license or registration card.

(d) Impose a fine of not more than \$1,000 for each violation.

3. If a certificate, license or registration card is revoked by the Commission, another certificate, license or registration card must not be issued to the same appraiser or intern for at least 1 year after the date of the revocation, or at any time thereafter except in the sole discretion of the Administrator, and then only if the appraiser or intern satisfies all the requirements for an original certificate, license or registration card.

4. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Commission.

Sec. 59. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage company must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage company must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage company will conduct business in this state, including, without limitation, any office or other place of business located outside this state from which the mortgage company will conduct business in this state.

(c) State the name under which the applicant will conduct business as a mortgage company.

(d) If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage company as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(e) Indicate the general plan and character of the business.

(f) State the length of time the applicant has been engaged in the business of a mortgage company.

(g) Include a financial statement of the applicant.

(h) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage company will conduct business in this state at one or more branch offices, the mortgage company must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage company if:

(a) The application complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage company in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage companies* or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645B of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this state from which the applicant will conduct business in this state if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this state and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this state the books, accounts, papers, records and files of the office or place of business located outside this state to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this state.

The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 60. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not he is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$10,000, if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than \$10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage companies* or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use; or

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

Sec. 61. NRS 648.110 is hereby amended to read as follows:

648.110 1. Before the Board grants any license, the applicant, including each director and officer of a corporate applicant, must:

(a) Be at least 21 years of age.

(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States.

(c) Be of good moral character and temperate habits.

(d) Have no conviction of ~~fel~~:

(1) A felony *relating to the practice for which the applicant wishes to be licensed*; or ~~fel~~

(2) *Any* crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

2. Each applicant, or the qualifying agent of a corporate applicant, must:

(a) If an applicant for a private investigator's license, have at least 5 years' experience as an investigator, or the equivalent thereof, as determined by the Board.

(b) If an applicant for a reposessor's license, have at least 5 years' experience as a reposessor, or the equivalent thereof, as determined by the Board.

(c) If an applicant for a private patrolman's license, have at least 5 years' experience as a private patrolman, or the equivalent thereof, as determined by the Board.

(d) If an applicant for a process server's license, have at least 2 years' experience as a process server, or the equivalent thereof, as determined by the Board.

(e) If an applicant for a dog handler's license, demonstrate to the satisfaction of the Board his ability to handle, supply and train watchdogs.

(f) If an applicant for a license as an intern, have:

(1) Received:

(I) A baccalaureate degree from an accredited college or university and have at least 1 year's experience in investigation or polygraphic examination satisfactory to the Board;

(II) An associate degree from an accredited college or university and have at least 3 years' experience; or

(III) A high school diploma or its equivalent and have at least 5 years' experience; and

(2) Satisfactorily completed a basic course of instruction in polygraphic techniques satisfactory to the Board.

(g) If an applicant for a license as a polygraphic examiner:

(1) Meet the requirements contained in paragraph (f);

(2) Have actively conducted polygraphic examinations for at least 2 years;

(3) Have completed successfully at least 250 polygraphic examinations, including at least 100 examinations concerning specific inquiries as distinguished from general examinations for the purpose of screening;

(4) Have completed successfully at least 50 polygraphic examinations, including 10 examinations concerning specific inquiries, during the 12 months immediately before the date of his application; and

(5) Have completed successfully at least 24 hours of advanced polygraphic training acceptable to the Board during the 2 years immediately before the date of his application.

(h) Meet other requirements as determined by the Board.

3. The Board, when satisfied from recommendations and investigation that the applicant is of good character, competency and integrity, may issue and deliver a license to the applicant entitling him to conduct the business for which he is licensed, for the period which ends on July 1 next following the date of issuance.

4. For the purposes of this section, 1 year of experience consists of 2,000 hours of experience.

Sec. 62. NRS 648.150 is hereby amended to read as follows:

648.150 The Board may discipline any licensee for any of the following causes:

1. Conviction of a felony *relating to the practice of the licensee* or of any offense involving moral turpitude.

2. Violation of any of the provisions of this chapter or of a regulation adopted pursuant thereto.

3. A false statement by the licensee that any person is or has been in his employ.

4. Any unprofessional conduct or unfitness of the licensee or any person in his employ.

5. Any false statement or the giving of any false information in connection with an application for a license or a renewal or reinstatement of a license.

6. Any act in the course of the licensee's business constituting dishonesty or fraud.

7. Impersonation or aiding and abetting an employee in the impersonation of a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

8. During the period between the expiration of a license for the failure to renew within the time fixed by this chapter and the reinstatement of the license, the commission of any act which would be a cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

9. Willful failure or refusal to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

10. Commission of assault, battery or kidnapping.

11. Knowing violation of any court order or injunction in the course of business as a licensee.

12. Any act which is a ground for denial of an application for a license under this chapter.

13. Willfully aiding or abetting a person in a violation of a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 63. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership

applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States.

2. Has a good reputation for honesty, trustworthiness, integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

3. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application.

4. Has not been convicted of, or entered a plea of nolo contendere to ~~[-a]~~:

(a) A felony *relating to the practice of collection agencies or collection agents*; or ~~any~~

(b) Any crime involving fraud, misrepresentation or moral turpitude.

5. Has not made a false statement of material fact on his application.

6. Will maintain one or more offices in this state for the transaction of the business of his collection agency.

7. Has established a plan to ensure that his collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 64. NRS 652.220 is hereby amended to read as follows:

652.220 A license may be denied, suspended or revoked if the laboratory, laboratory director or any technical employee of the laboratory:

1. Violates any provision of this chapter;

2. Makes any misrepresentation in obtaining a license;

3. Has been convicted of a felony ~~[-]~~ *relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter*;

4. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

5. Is guilty of unprofessional conduct;

6. Knowingly permits the use of the name of a licensed laboratory or its director by an unlicensed laboratory; or

7. Fails to meet the minimum standards prescribed by the Board.

Sec. 65. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and hearing, impose an administrative fine of not more than \$2,500 on and suspend or revoke the license of any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony ~~or~~ *relating to the practice of administering a nursing facility or residential facility* or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Board.

Sec. 66. NRS 656.240 is hereby amended to read as follows:

656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate for any one or a combination of the following causes:

1. If the applicant or court reporter has by false representation obtained or sought to obtain a certificate for himself or any other person.

2. If the applicant or court reporter has been found in contempt of court, arising out of his conduct in performing or attempting to perform any act as a court reporter.

3. If the applicant or court reporter has been convicted of a crime related to the qualifications, functions and responsibilities of a certified court reporter.

4. If the applicant or court reporter has been convicted of ~~or~~ *felony or gross misdemeanor or of* any offense involving moral turpitude.

The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.

Sec. 67. NRS 676.290 is hereby amended to read as follows:

676.290 1. The Commissioner may, pursuant to the procedure provided in this chapter, deny, suspend or revoke any license for which application has been made or which has been issued under the provisions of this chapter if he finds, as to the licensee, its associates, directors or officers, grounds for action.

2. Any one of the following grounds may provide the requisite grounds for denial, suspension or revocation:

(a) Conviction of a felony *relating to the practice of debt adjusters* or of a misdemeanor involving moral turpitude.

(b) Violation of any of the provisions of this chapter or regulations of the Commissioner.

(c) Fraud or deceit in procuring the issuance of the license.

(d) Continuous course of unfair conduct.

(e) Insolvency, filing in bankruptcy, receivership or assigning for the benefit of creditors by any licensee or applicant for a license under this chapter.

(f) Failure to pay the fee for renewal or reinstatement of a license.

3. The Commissioner shall, after notice and hearing, impose upon the licensee a fine of \$500 for each violation by the licensee of any of the provisions of this chapter or regulations of the Commissioner. If a fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Commissioner.

Sec. 68. NRS 692A.105 is hereby amended to read as follows:

692A.105 1. The Commissioner may refuse to license any title agent or escrow officer or may suspend or revoke any license or impose a fine of not more than \$500 for each violation by entering an order to that effect, with his findings in respect thereto, if upon a hearing, it is determined that the applicant or licensee:

(a) In the case of a title agent, is insolvent or in such a financial condition that he cannot continue in business with safety to his customers;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto or has aided and abetted another to do so;

(c) Has committed fraud in connection with any transaction governed by this chapter;

(d) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact known to him from, any principal or designated agent of the principal in the course of the escrow business;

(e) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from him any information which the applicant or licensee possesses;

(f) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(g) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(h) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable

time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(i) Has been convicted of a felony *relating to the practice of title agents* or any misdemeanor of which an essential element is fraud;

(j) In the case of a title agent, has failed to maintain complete and accurate records of all transactions within the last 7 years;

(k) Has commingled the money of other persons with his own or converted the money of other persons to his own use;

(l) Has failed, before the close of escrow, to obtain written instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(m) Has failed to disclose in writing that he is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction;

(n) In the case of an escrow officer, has been convicted of, or entered a plea of guilty or nolo contendere to, any crime involving moral turpitude; or

(o) Has failed to obtain and maintain a copy of the executed agreement or contract that establishes the conditions for the sale of real property.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of the license of a partnership, corporation or any other association if any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission directly arising from the business activities of a title agent which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend or revoke the license of a title agent, or impose a fine, if the Commissioner finds that the title agent:

(a) Failed to maintain adequate supervision of an escrow officer title agent he has appointed or employed.

(b) Instructed an escrow officer to commit an act which would be cause for the revocation of the escrow officer's license and the escrow officer committed the act. An escrow officer is not subject to disciplinary action for committing such an act under instruction by the title agent.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

Sec. 69. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a set of his fingerprints, which must be forwarded to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this state.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony ~~[, other than a felony involving any sexual offense,]~~ *relating to the practice of taxicab drivers* in this state or any other jurisdiction ~~[within 5 years]~~ *at any time* before the date of the application;

(b) A felony involving any sexual offense in this state or any other jurisdiction at any time before the date of the application; or

(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$20 for an original driver's permit and \$5 for a renewal.

Sec. 70. NRS 176A.860 is hereby repealed.

Sec. 71. 1. Any person residing in this state who, before July 1, 2003, was:

(a) Honorably discharged from probation pursuant to NRS 176A.850;

(b) Pardoned pursuant to NRS 213.090;

(c) Honorably discharged from parole pursuant to NRS 213.154 and 213.155; or

(d) Released from prison pursuant to NRS 213.157, in this state or elsewhere, who is not on probation or parole or serving a sentence of imprisonment on July 1, 2003, and who has

not had his civil rights restored is hereby restored to the civil rights set forth in subsection 2.

2. A person listed in subsection 1:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date on which he is released from his sentence of imprisonment, is restored to the right to hold office.

(c) Six years after the date on which he is released from his sentence of imprisonment, is restored to the right to serve as a juror in a criminal action.

3. A person who is restored to his civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his civil rights restored pursuant to subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person qualifies to have his civil rights restored pursuant to subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 2. A person must not be required to pay a fee to receive such an order.

4. A person who is restored to his civil rights pursuant to this section may present official documentation that he qualifies to have his civil rights restored pursuant to subsection 1 or a court order restoring his civil rights as proof that he has been restored to the civil rights set forth in subsection 2.

Sec. 72. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 73. 1. This section and sections 1 to 53, inclusive, and 55 to 72, inclusive, of this act become effective on July 1, 2003.

2. Section 53 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for support of one or more children,

are repealed by the Congress of the United States.

3. Section 54 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold

or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for support of one or more children,

are repealed by the Congress of the United States.