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SENATE BILL NO. 18—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE DIVISION OF INSURANCE OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY)

PREFILED NOVEMBER 16, 2016

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Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to bail bonds.  
(BDR 57-464)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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AN ACT relating to businesses related to bail; establishing procedures for a claim by a person against the licensing bond required to be filed by a bail agent, bail enforcement agent, bail solicitor or general agent; prohibiting certain conduct by a bail enforcement agent; prohibiting the compensation of an unlicensed person for referring business related to bail to a licensed person; prohibiting the use of forms or documents by a surety insurer, bail agent or bail enforcement agent in certain circumstances; revising provisions relating to the licensing of bail agents, bail enforcement agents, bail solicitors and general agents; revising provisions relating to licensing bonds; authorizing the Commissioner of Insurance to participate in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents; providing that a surety insurer is liable for the acts of a bail agent, bail enforcement agent or general agent acting on its behalf; revising provisions relating to the money, other valuable consideration or collateral which a surety insurer or bail agent may charge, collect or accept; revising provisions relating to the apprehension and surrender of a defendant; revising provisions relating to bail bonds; providing penalties; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 The Nevada Constitution generally provides a right to bail in all but certain  
2 criminal cases before conviction. (Nev. Const. Art. 1, § 7) Existing law authorizes  
3 the acceptance of a bond or undertaking for bail by one or more sureties. (NRS  
4 178.502) Existing law also prohibits a person from engaging in certain businesses  
5 relating to bail without a license. (NRS 697.090)

6 Existing law requires a bail agent, bail solicitor or general agent to file and  
7 maintain a bond against liability relating to bail bond transactions under the  
8 person's license. (NRS 697.190) **Section 25** of this bill requires bail enforcement  
9 agents to also hold such a licensing bond and revises the amount of the licensing  
10 bond which must be filed and maintained by a bail agent. **Section 25** also requires  
11 that a licensing bond must inure to the benefit of any person damaged by the  
12 licensee or person acting on his or her behalf and revises provisions relating to the  
13 cancellation and replacement of a licensing bond. **Section 8** of this bill provides for  
14 the payment of claims brought against a licensing bond.

15 **Sections 18-20** of this bill revise provisions relating to the issuance or renewal  
16 of a license as a bail agent, bail solicitor or bail enforcement agent, respectively.  
17 **Section 21** of this bill revises the training that a bail enforcement agent must  
18 receive and requires such training to be completed before a person can enter into a  
19 contract or begin employment as a bail enforcement agent. **Section 24** of this bill  
20 revises the information that must be contained in a letter submitted to the  
21 Commissioner from a local law enforcement agency by certain licensees for the  
22 renewal of a license. **Section 26** of this bill revises the circumstances under which a  
23 person whose license has lapsed is exempt from retaking the examination that  
24 would otherwise be required for the issuance of a license. **Section 27** of this bill  
25 authorizes the Commissioner to participate with the National Association of  
26 Insurance Commissioners in a centralized registry for licensing and appointment of  
27 bail agents, bail enforcement agents, bail solicitors and general agents. **Section 28**  
28 of this bill requires a licensee to inform the Commissioner of each change of his or  
29 her business or residence address.

30 **Section 9** of this bill prohibits certain conduct by a bail enforcement agent.  
31 **Section 15** of this bill prohibits an unlicensed person from receiving compensation  
32 for referring business to a person licensed to engage in business relating to bail.  
33 **Section 17** of this bill requires a surety insurer to receive approval from the  
34 Commissioner before allowing the use of a form or preprinted agreement and  
35 prohibits a surety insurer, bail agent or bail enforcement agent from using a form or  
36 document not approved by the Commissioner. **Section 30** of this bill provides that a  
37 bail agent appointed by a surety insurer acts as an attorney-in-fact for the surety  
38 insurer and the surety insurer is liable for the acts of any bail agent, bail  
39 enforcement agent or general agent acting on its behalf. **Section 31** of this bill  
40 provides for the termination of the appointment of a bail agent by a surety insurer  
41 and of a bail solicitor by a bail agent and requires that certain information be filed  
42 with the Commissioner relating to such a termination. **Sections 31 and 45** of this  
43 bill make such information confidential. **Section 33** of this bill establishes certain  
44 requirements for bail agents. **Section 39** of this bill prohibits certain acts by  
45 licensed persons. **Section 41** of this bill revises the other provisions of the Nevada  
46 Insurance Code which apply to businesses related to bail. **Section 42** of this bill  
47 authorizes the Commissioner to take certain administrative actions for violations of  
48 law or regulation relating to businesses related to bail.

49 **Section 34** of this bill revises the money or other valuable consideration which  
50 may be charged or collected by a surety insurer or bail agent in connection with any  
51 bail transaction. **Section 34** also authorizes a surety insurer or bail agent to file an  
52 action in a court of competent jurisdiction to recover certain other expenses and  
53 prohibits any other form of collection for such expenses. Finally, **section 34**  
54 requires a surety insurer or bail agent to refund all money collected and return all



55 collateral held for a bail transaction which is cancelled before a bail bond is  
56 accepted by a court or governmental agency. **Section 35** of this bill revises  
57 additional provisions relating to the charges of a licensee. **Section 36** of this bill  
58 revises provisions relating to the acceptance and holding of collateral. **Sections 37**  
59 **and 38** of this bill revise provisions relating to the apprehension and surrender of a  
60 defendant to the custody of a court or governmental agency.

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

1     **Section 1.** Chapter 697 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this  
3 act.

4     **Sec. 2. 1.** *The purpose of this chapter is to ensure the*  
5 *effective regulation of bail transactions and persons who transact*  
6 *in the business of bail.*

7     **2.** *The Legislature declares that:*

8     **(a)** *Consumers of bail are vulnerable persons who are fighting*  
9 *for their rights; and*

10    **(b)** *It is the intent of the Legislature to ensure that these*  
11 *persons have access to bail bonds when they are unable to secure*  
12 *their own release through bail.*

13    **Sec. 3.** *“Bail bond” means a contract of surety insurance*  
14 *entered into between a defendant in a criminal proceeding and a*  
15 *surety insurer, or a bail agent on behalf of a surety insurer, to*  
16 *provide bail for the defendant.*

17    **Sec. 4.** *“Bail transaction” means any undertaking,*  
18 *solicitation, inducement, negotiation or effectuation of a bail bond*  
19 *and any matters arising therefrom.*

20    **Sec. 5.** *“Collateral” means any property subject to a security*  
21 *interest.*

22    **Sec. 6.** *“Defendant” means a person who is arrested or*  
23 *detained and who seeks or obtains a bail bond.*

24    **Sec. 7.** *“Surety insurer” means a corporate surety authorized*  
25 *to transact insurance in this State pursuant to chapter 680A of*  
26 *NRS.*

27    **Sec. 8. 1.** *Any person making a claim against a licensing*  
28 *bond filed pursuant to NRS 697.190 may bring an action in a*  
29 *court of competent jurisdiction against the licensing bond for*  
30 *damages sustained by the person. A person who brings an action*  
31 *against a licensing bond shall notify the Commissioner in writing*  
32 *upon filing the action. Such an action must be commenced within*  
33 *6 years after the commission of the act, omission or conduct on*  
34 *which the action is based.*



1       2. *Upon receiving a request from a person for whose benefit a*  
2 *licensing bond is filed pursuant to NRS 697.190, the*  
3 *Commissioner shall provide a written notice to the person which*  
4 *states:*

5       (a) *Whether the licensing bond is in effect and the amount of*  
6 *the licensing bond; and*

7       (b) *If there is an action against the licensing bond, the title,*  
8 *court and case number of the action and the amount sought by the*  
9 *plaintiff.*

10      3. *If the surety insurer of a licensing bond wishes to make a*  
11 *payment without awaiting an action by a court, the amount of the*  
12 *licensing bond must be reduced to the extent of any payment made*  
13 *by the surety insurer of the licensing bond in good faith under the*  
14 *licensing bond.*

15      4. *Multiple claims against a licensing bond have equal*  
16 *priority. If the licensing bond is insufficient to pay all claims in*  
17 *full, the claims must be paid on a pro rata basis. Partial payment*  
18 *of a claim is not a full payment and any claimant who has*  
19 *received a partial payment on a claim may bring an action against*  
20 *the bail agent, bail enforcement agent, bail solicitor, general agent*  
21 *or surety insurer for the unpaid balance.*

22      **Sec. 9. 1.** *A bail enforcement agent who is authorized to*  
23 *locate, apprehend and surrender a defendant shall not:*

24       (a) *Enter an inhabited dwelling for any purpose other than to*  
25 *apprehend and surrender the defendant;*

26       (b) *Enter the inhabited dwelling of a third party without the*  
27 *consent of each lawful occupant of the inhabited dwelling present*  
28 *at the time of entry;*

29       (c) *Apprehend a defendant at a business establishment without*  
30 *the consent of the business owner or an agent of the business*  
31 *owner who has authority to grant such consent;*

32       (d) *Identify or hold himself or herself out as a peace officer,*  
33 *law enforcement officer or representative of any court or*  
34 *governmental agency;*

35       (e) *Wear or use any uniform, clothing, badge or insignia that*  
36 *so closely resembles the uniform, clothing, badge or insignia of*  
37 *any city, county, state or federal law enforcement agency that it*  
38 *would suggest to an ordinary person that the bail enforcement*  
39 *agent represents or is employed by a law enforcement agency;*

40       (f) *Employ or otherwise use any person who is not licensed*  
41 *pursuant to the provisions of this chapter to effectuate the*  
42 *apprehension or surrender of the defendant;*

43       (g) *Use more force than is reasonable and necessary to carry*  
44 *out the apprehension and surrender of the defendant; or*



1 (h) Use an electronic stun device, as defined in NRS 202.357,  
2 on a person other than the bail enforcement agent for any purpose  
3 other than self-defense as set forth in that section.

4 2. Unless a greater penalty is provided by statute, a bail  
5 enforcement agent who violates any provision of this section is  
6 guilty of:

7 (a) For a first offense, a misdemeanor.

8 (b) For a second offense, a gross misdemeanor.

9 (c) For a third and each subsequent offense, a category D  
10 felony, and shall be punished as provided in NRS 193.130.

11 3. As used in this section, "inhabited dwelling" means any  
12 structure, building, house, room, apartment, tenement, tent,  
13 conveyance, vessel, boat, vehicle, house trailer, travel trailer,  
14 motor home or railroad car in which a bail enforcement agent has  
15 reasonable, credible and demonstrable evidence that the defendant  
16 is immediately present.

17 **Sec. 10.** NRS 697.020 is hereby amended to read as follows:

18 697.020 As used in this Code, unless the context otherwise  
19 requires, the words and terms defined in NRS 697.030 to 697.070,  
20 inclusive, *and sections 3 to 7, inclusive, of this act* have the  
21 meanings ascribed to them in those sections.

22 **Sec. 11.** NRS 697.030 is hereby amended to read as follows:

23 697.030 "Bail" means a deposit made with a court or other  
24 governmental agency to secure or continue the release from custody  
25 and to guarantee the appearance of the defendant in a criminal  
26 proceeding ~~[- The term includes bail bonds, undertakings of bail and~~  
27 ~~any pledge or deposit of the matters described in NRS 697.320.] in~~  
28 *accordance with the conditions and terms of release established by*  
29 *the court or governmental agency pursuant to chapter 178 of*  
30 *NRS.*

31 **Sec. 12.** NRS 697.040 is hereby amended to read as follows:

32 697.040 "Bail agent" means any individual appointed by an  
33 authorized surety insurer by power of attorney to *act on behalf of*  
34 *the surety insurer in a bail transaction to* execute or countersign  
35 undertakings of bail in connection with judicial proceedings ~~. [and~~  
36 ~~who receives or is promised money or other things of value~~  
37 ~~therefor.]~~

38 **Sec. 13.** NRS 697.055 is hereby amended to read as follows:

39 697.055 "Bail enforcement agent" means a person who ~~has~~  
40 ~~contracted]~~ *contracts* with or is employed by a surety *insurer* or bail  
41 agent as ~~[a special agent]~~ *an attorney in fact* to enforce the terms  
42 and conditions *established by a court or governmental agency* of a  
43 defendant's release from custody on bail in a criminal proceeding ~~[;]~~  
44 *and* to locate ~~[a defendant]~~ and ~~[to]~~ apprehend a defendant ~~[or~~



1 ~~surrender a~~ *solely for the purpose of surrendering the* defendant to  
2 custody. ~~[, or both, if appropriate.]~~

3 **Sec. 14.** NRS 697.070 is hereby amended to read as follows:

4 697.070 1. "General agent" means any individual or person  
5 appointed by an *authorized surety* insurer to supervise or manage  
6 the bail bond business written by bail agents of such insurer.

7 2. A general agent shall not solicit or negotiate undertakings of  
8 bail or bail bonds unless licensed as a bail agent by this state.

9 **Sec. 15.** NRS 697.090 is hereby amended to read as follows:

10 697.090 1. A person in this state shall not act in the capacity  
11 of a bail agent, bail enforcement agent or bail solicitor, or perform  
12 any of the functions, duties or powers prescribed for a bail agent,  
13 bail enforcement agent or bail solicitor under the provisions of this  
14 chapter, unless that person is qualified and licensed as provided in  
15 this chapter. The Commissioner may, after notice and opportunity to  
16 be heard, impose an administrative fine of not more than \$1,000 for  
17 each act or violation of the provisions of this subsection.

18 2. A person, whether or not located in this state, shall not act as  
19 or hold himself or herself out to be a general agent unless qualified  
20 and licensed as such under the provisions of this chapter.

21 3. *A person who is not licensed pursuant to this chapter shall*  
22 *not request or accept any payment, commission or other*  
23 *remuneration for referring business to a person licensed pursuant*  
24 *to this chapter.*

25 4. For the protection of the people of this state, the  
26 Commissioner shall not issue or renew, or permit to exist, any  
27 license except in compliance with this chapter. The Commissioner  
28 shall not issue or renew, or permit to exist, a license for any person  
29 ~~found~~ *determined by the Commissioner* to be untrustworthy or  
30 incompetent, or who has not established to the satisfaction of the  
31 Commissioner that the person is qualified therefor in accordance  
32 with this chapter.

33 **Sec. 16.** NRS 697.100 is hereby amended to read as follows:

34 697.100 1. Except as otherwise provided in this section, no  
35 license may be issued:

36 (a) Except in compliance with this chapter.

37 (b) To a bail agent, bail enforcement agent or bail solicitor,  
38 unless he or she is a natural person.

39 2. A corporation may be licensed as a bail agent or bail  
40 enforcement agent if:

41 (a) The corporation is owned and controlled by ~~an~~ *a surety*  
42 insurer authorized to ~~write surety~~ *transact such insurance* in this  
43 State or a subsidiary corporation of such an insurer; or

44 (b) Ownership and control of the corporation is retained by one  
45 or more licensed agents.



1 3. This section does not prohibit two or more licensed bail  
2 agents from entering into a partnership for the conduct of their bail  
3 business. No person may be a member of such a partnership unless  
4 the person is licensed pursuant to this chapter in the same capacity  
5 as all other members of the partnership. A limited partnership or a  
6 natural person may not have any proprietary interest, directly or  
7 indirectly, in a partnership or the conduct of business thereunder  
8 except licensed bail agents as provided in this chapter.

9 **Sec. 17.** NRS 697.130 is hereby amended to read as follows:

10 697.130 1. The Commissioner shall prescribe and furnish all  
11 forms in connection with licensing and appointments required under  
12 this chapter.

13 2. *A surety insurer must, before allowing the use of any form*  
14 *or preprinted agreement by its appointed bail agents, submit all*  
15 *such forms and preprinted agreements to the Commissioner for*  
16 *approval.*

17 3. *A surety insurer, bail agent or bail enforcement agent shall*  
18 *not use any form or document not approved by the Commissioner.*

19 **Sec. 18.** NRS 697.150 is hereby amended to read as follows:

20 697.150 1. Except as otherwise provided in ~~subsection 2,~~  
21 *subsections 2 and 3*, a person ~~is entitled to~~ *may* receive, renew or  
22 hold a license as a bail agent if the person:

23 (a) Is a resident of this State and has resided in this State for not  
24 less than 1 year immediately preceding the date of the application  
25 for the license.

26 (b) Is a natural person not less than 18 years of age.

27 (c) Has been appointed as a bail agent by an authorized surety  
28 insurer, subject to the issuance of the license.

29 (d) Is competent, trustworthy and financially responsible.

30 (e) Has passed any written examination required under this  
31 chapter.

32 (f) Has filed the *licensing* bond required by NRS 697.190.

33 (g) Has, on or after July 1, 1999, successfully completed a 6-  
34 hour course of instruction in bail ~~bonds~~ *transactions* that is:

35 (1) Offered by a state or national organization of bail agents  
36 or another organization that administers training programs for bail  
37 agents; and

38 (2) Approved by the Commissioner.

39 2. ~~A person is not entitled to receive, renew or hold~~ *The*  
40 *Commissioner may, at any time, as a condition of receiving,*  
41 *renewing or holding* a license as a bail agent ~~if the person has~~ ,  
42 *require a person to complete a:*

43 (a) *Psychiatric or psychological examination if the*  
44 *Commissioner has reasonable belief that the person may be*  
45 *suffering from a psychological condition that may adversely affect*



1 *the ability of the person to carry out his or her duties as a bail*  
2 *agent.*

3 *(b) Test of the person's blood or urine to determine whether a*  
4 *controlled substance is present in the person's blood or urine and*  
5 *submit the results of the test to the Commissioner. If the results of*  
6 *the test indicate the presence of any controlled substance for*  
7 *which the person does not possess a current and lawful*  
8 *prescription, the Commissioner may deny, suspend or revoke the*  
9 *license of the person.*

10 *3. The Commissioner may deny an application for, refuse to*  
11 *renew or revoke a license as a bail agent if the applicant or*  
12 *licensee:*

13 *(a) Has been convicted of, or entered a plea of guilty, guilty but*  
14 *mentally ill or nolo contendere to ~~[, forgery, embezzlement,~~*  
15 *~~obtaining money under false pretenses, larceny, extortion,~~*  
16 *~~conspiracy to defraud or any crime involving moral turpitude. A~~*  
17 *~~conviction of, or plea of guilty, guilty but mentally ill or nolo~~*  
18 *~~contendere by, an applicant or licensee for any crime listed in this~~*  
19 *~~subsection is a sufficient ground for] :~~*

20 *(1) Any crime involving an act of dishonesty, a breach of*  
21 *trust or moral turpitude;*

22 *(2) A felony in this State or of any offense committed in*  
23 *another state which would be a felony if committed in this State;*  
24 *or*

25 *(3) The unlawful use, sale or possession of a controlled*  
26 *substance;*

27 *(b) Is determined by the Commissioner to ~~deny a license to the~~*  
28 *~~applicant or to suspend or revoke the license of the agent.] be~~*  
29 *~~untrustworthy or incompetent; or~~*

30 *(c) Has not established to the satisfaction of the Commissioner*  
31 *that he or she is qualified in accordance with the provisions of this*  
32 *chapter.*

33 **Sec. 19.** NRS 697.170 is hereby amended to read as follows:

34 697.170 1. Except as otherwise provided in subsection 2, a  
35 person ~~is entitled to~~ **may** receive, renew or hold a license as a bail  
36 solicitor if the person:

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

38 (b) Is a resident of this state and has resided in this state for not  
39 less than 3 months immediately preceding the date of the application  
40 for the license.

41 (c) Is the bona fide employee of a licensed bail agent as a bail  
42 solicitor, or is to be so employed subject to the issuance of the  
43 license.

44 (d) Has successfully completed a 6-hour course of instruction in  
45 bail bonds that is:





1 (1) Offered by a state or national organization of bail agents  
2 or another organization that administers training programs for bail  
3 solicitors; and

4 (2) Is approved by the Commissioner.

5 (e) Has passed any written examination required under this  
6 chapter.

7 2. ~~Except as otherwise provided in NRS 697.188, a person is~~  
8 ~~not entitled to receive, renew or hold~~ *The Commissioner may deny*  
9 *an application for, refuse to renew or revoke* a license as a bail  
10 solicitor if the ~~person~~ *applicant or licensee*:

11 (a) Has been convicted of ~~a~~, *or entered a plea of guilty, guilty*  
12 *but mentally ill or nolo contendere to:*

13 (1) *Any crime involving an act of dishonesty, a breach of*  
14 *trust or moral turpitude;*

15 (2) *A felony in this state or of any offense committed in*  
16 *another state which would be a felony if committed in this state; or*

17 ~~(b) Has been convicted of an offense involving moral turpitude~~  
18 ~~or the~~

19 (3) *The* unlawful use, sale or possession of a controlled  
20 substance ~~H~~;

21 (b) *Is determined by the Commissioner to be untrustworthy or*  
22 *incompetent; or*

23 (c) *Has not established to the satisfaction of the Commissioner*  
24 *that he or she is qualified in accordance with the provisions of this*  
25 *chapter.*

26 **Sec. 20.** NRS 697.173 is hereby amended to read as follows:

27 697.173 1. Except as otherwise provided in ~~subsection 2,~~  
28 *subsections 2 and 3*, a person ~~is entitled to~~ *may* receive, renew or  
29 hold a license as a bail enforcement agent if the person:

30 (a) Is a natural person not less than 21 years of age.

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

33 (c) Has:

34 (1) A high school diploma;

35 (2) A general equivalency diploma or an equivalent  
36 document; or

37 (3) An equivalent education as determined by the  
38 Commissioner.

39 (d) Has complied with the requirements of subsection 4 of  
40 NRS 697.180.

41 (e) ~~Has submitted to the Commissioner the results of an~~  
42 ~~examination conducted by a psychiatrist or psychologist licensed to~~  
43 ~~practice in this state which indicate that the person does not suffer~~  
44 ~~from a psychological condition that would adversely affect the~~



1 ~~ability of the person to carry out his or her duties as a bail~~  
2 ~~enforcement agent.~~

3 ~~—(f) Has passed any written examination required by this~~  
4 ~~chapter.~~

5 ~~[(g) Submits to the Commissioner the results of a test to detect~~  
6 ~~the presence of a controlled substance in the system of the person~~  
7 ~~that was administered no earlier than 30 days before the date of the~~  
8 ~~application for the license which do not indicate the presence of any~~  
9 ~~controlled substance for which the person does not possess a current~~  
10 ~~and lawful prescription issued in the name of the person.~~

11 ~~—(h) Successfully completes]~~

12 *(f) Has successfully completed* the training required by  
13 NRS 697.177.

14 2. ~~[A person is not entitled to receive, renew or hold]~~ *The*  
15 *Commissioner may, at any time, as a condition of receiving,*  
16 *renewing or holding a license as a bail enforcement agent, require*  
17 *a person to complete a:*

18 *(a) Psychiatric or psychological examination if the*  
19 *Commissioner has reasonable belief that the person may be*  
20 *suffering from a psychological condition that may adversely affect*  
21 *the ability of the person to carry out his or her duties as a bail*  
22 *enforcement agent.*

23 *(b) Test of the person's blood or urine to determine whether a*  
24 *controlled substance is present in the person's blood or urine and*  
25 *submit the results of the test to the Commissioner. If the results of*  
26 *the test indicate the presence of any controlled substance for*  
27 *which the person does not possess a current and lawful*  
28 *prescription, the Commissioner may deny, suspend or revoke the*  
29 *license of the person.*

30 3. *The Commissioner may deny an application for, refuse to*  
31 *renew or revoke a license* ~~[of]~~ *as a bail enforcement agent if the*  
32 ~~[person:]~~ *applicant or licensee:*

33 *(a) Has been convicted of* ~~[a]~~ *, or entered a plea of guilty, guilty*  
34 *but mentally ill or nolo contendere to:*

35 *(1) Any crime involving an act of dishonesty, a breach of*  
36 *trust or moral turpitude;*

37 *(2) A felony in this state or of any offense committed in*  
38 *another state which would be a felony if committed in this state; or*

39 ~~[(b) Has been convicted of an offense involving moral turpitude~~  
40 ~~or the]~~

41 *(3) The unlawful use, sale or possession of a controlled*  
42 *substance* ~~[ ]~~ *;*

43 *(b) Is determined by the Commissioner to be untrustworthy or*  
44 *incompetent; or*



1        ***(c) Has not established to the satisfaction of the Commissioner***  
2 ***that he or she is qualified in accordance with the provisions of this***  
3 ***chapter.***

4        **Sec. 21.** NRS 697.177 is hereby amended to read as follows:

5        697.177 1. Except as otherwise provided in this section, an  
6 applicant for a license as a bail enforcement agent must  
7 satisfactorily complete a basic course of training for bail  
8 enforcement agents that is approved by the Commissioner.

9        2. The basic course of training must consist of at least 80 hours  
10 of training which includes instruction in:

11        (a) The following areas of the law:

12            (1) Constitutional law;

13            (2) Procedures for ~~arresting~~ ***apprehending*** defendants and  
14 surrendering defendants into custody;

15            (3) Civil liability;

16            (4) The civil rights of persons who are detained in custody;

17            (5) The use of force; and

18            (6) The history and principles of bail;

19        (b) Procedures for field operations, including, without  
20 limitation:

21            (1) Safety and survival techniques;

22            (2) Searching buildings;

23            (3) Handling persons with mental illness or who are under  
24 the influence of alcohol or a controlled substance; and

25            (4) The care and custody of prisoners;

26        (c) The skills required of bail enforcement agents, including,  
27 without limitation:

28            (1) Writing reports, completing forms and procedures for  
29 exoneration;

30            (2) Methods ~~of arrest;~~ ***for apprehending defendants;***

31            (3) Nonlethal weapons;

32            (4) The retention of weapons;

33            (5) Qualifications for the use of firearms; and

34            (6) Defensive tactics;

35        (d) Principles of investigation, including, without limitation:

36            (1) The basic principles of locating defendants who have not  
37 complied with the terms and conditions established by a court ***or***  
38 ***other governmental agency*** for their release from custody or the  
39 terms and conditions of a contract entered into with a surety ~~§~~  
40 ***insurer;*** and

41            (2) Ethics; and

42        (e) The following subjects:

43            (1) Demeanor in a courtroom;

44            (2) First aid used in emergencies; and

45            (3) Cardiopulmonary resuscitation.



1 ↪ An applicant may complete the 80 hours of training required by  
2 this subsection by completing 16 hours of training each weekend for  
3 5 weeks.

4 3. In lieu of completing the basic course of training required by  
5 subsection 1, an applicant may submit proof to the Commissioner  
6 that the applicant has completed a course of training required by a  
7 municipal, state or federal law enforcement agency or a branch of  
8 the Armed Forces to carry out the duties of a peace officer.

9 4. An applicant for a license as a bail enforcement agent must  
10 complete the training required by this section ~~within 9 months after~~  
11 ~~the date the applicant is employed by a bail agent as a bail~~  
12 ~~enforcement agent. The Commissioner shall issue a temporary~~  
13 ~~license to an applicant who has not completed the training if the~~  
14 ~~applicant is otherwise qualified to be issued a license as a bail~~  
15 ~~enforcement agent. The temporary license:~~

16 ~~—(a) Authorizes the person to whom it is issued to act as a bail~~  
17 ~~enforcement agent while employed by a licensed bail agent.~~

18 ~~—(b) Is valid for 9 months or until the person to whom it is issued~~  
19 ~~completes the training required by this section, whichever occurs~~  
20 ~~first.~~

21 ~~—(c) May not be renewed.~~ *before the applicant enters into a*  
22 *contract or begins employment with a surety insurer or with a bail*  
23 *agent on behalf of a surety insurer.*

24 **Sec. 22.** NRS 697.183 is hereby amended to read as follows:

25 697.183 An application for a license as a bail agent must be  
26 accompanied by:

27 1. Proof of the completion of a 6-hour course of instruction in  
28 bail bonds that is:

29 (a) Offered by a state or national organization of bail agents or  
30 another organization that administers training programs for bail  
31 agents; and

32 (b) Approved by the Commissioner.

33 2. A written appointment by an authorized *surety* insurer as  
34 agent for bail bonds, subject to the issuance of the license.

35 3. A letter from a local law enforcement agency in the  
36 applicant's county of residence which indicates that the applicant:

37 (a) Has not been convicted of a felony in this state or of any  
38 offense committed in another state which would be a felony if  
39 committed in this state; and

40 (b) Has not been convicted of an offense involving moral  
41 turpitude or the unlawful use, sale or possession of a controlled  
42 substance.

43 **Sec. 23.** NRS 697.184 is hereby amended to read as follows:

44 697.184 1. An application for a license as a general agent  
45 must be accompanied by:



1 (a) Proof of the completion of a 6-hour course of instruction in  
2 bail bonds that is:

3 (1) Offered by a state or national organization of bail agents  
4 or another organization that administers training programs for  
5 general agents; and

6 (2) Approved by the Commissioner.

7 (b) A written appointment by an authorized *surety* insurer as  
8 general agent, subject to the issuance of the license.

9 (c) A letter from a local law enforcement agency in the  
10 applicant's county of residence which indicates that the applicant:

11 (1) Has not been convicted of a felony in this state or of any  
12 offense committed in another state which would be a felony if  
13 committed in this state; and

14 (2) Has not been convicted of an offense involving moral  
15 turpitude or the unlawful use, sale or possession of a controlled  
16 substance.

17 (d) A copy of the contract or agreement that authorizes the  
18 general agent to act as general agent for the *surety* insurer.

19 (e) Any other information the Commissioner may require.

20 2. If the applicant for a license as a general agent is a firm or  
21 corporation, the application must include the names of the members,  
22 officers and directors and designate each natural person who is to  
23 exercise the authority granted by the license. Each person so  
24 designated must furnish information about himself or herself as  
25 though the application were for an individual license.

26 **Sec. 24.** NRS 697.188 is hereby amended to read as follows:

27 697.188 A person who is licensed as a general agent, bail agent  
28 or bail solicitor on October 1, 1997, ~~is entitled to~~ *may* renew his or  
29 her license after that date if the person is otherwise qualified to be  
30 issued such a license and submits to the Commissioner a letter from  
31 a local law enforcement agency in his or her county of residence  
32 which indicates that the person:

33 1. Has not, on or after October 1, 1997, been convicted of a  
34 felony in this state or of any offense committed in another state  
35 which would be a felony if committed in this state; ~~and~~

36 2. Has not, on or after October 1, 1997, been convicted of an  
37 offense involving moral turpitude or the unlawful use, sale or  
38 possession of a controlled substance ~~+~~; *and*

39 *3. Has complied with the requirements of NRS 697.090 and*  
40 *697.150 and is otherwise qualified for the issuance of the license*  
41 *pursuant to this chapter.*

42 **Sec. 25.** NRS 697.190 is hereby amended to read as follows:

43 697.190 1. Each applicant for a license as a bail agent, bail  
44 *enforcement agent, bail* solicitor or general agent must file with the  
45 application, and thereafter maintain in force while so licensed, a



1 **licensing** bond in favor of the people of the State of Nevada  
2 executed by an authorized surety insurer. The **licensing** bond may  
3 be continuous in form with total aggregate liability limited to  
4 payment as follows:

- 5 (a) Bail agent ..... ~~[\$25,000]~~ **\$100,000**
- 6 (b) **Bail enforcement agent**..... **100,000**
- 7 (c) Bail solicitor ..... 10,000
- 8 ~~[(e)]~~ (d) General agent ..... 50,000

9 2. The **licensing** bond must ~~be conditioned upon full~~  
10 ~~accounting and payment~~ **inure** to the **benefit of any** person ~~entitled~~  
11 ~~thereto of money, property~~ **damaged by any act, omission** or ~~other~~  
12 ~~matters coming into the licensee's possession through bail bond~~  
13 ~~transactions under the license.~~ **conduct of the bail agent, bail**  
14 **enforcement agent, bail solicitor or general agent, any employee**  
15 **thereof or any independent contractor or assignee acting on**  
16 **behalf thereof.**

17 3. The **licensing** bond must remain in force until released by  
18 the Commissioner, or cancelled by the surety ~~+~~ **insurer**. Without  
19 prejudice to any liability previously incurred under the bond, the  
20 surety **insurer** may **request to** cancel the **licensing** bond upon 30  
21 days' advance written notice to the licensee and the Commissioner.  
22 **Upon receipt of such a request, the Commissioner shall:**

23 (a) **Suspend the license of the bail agent, bail enforcement**  
24 **agent, bail solicitor or general agent for whom the bond was filed**  
25 **without a hearing if the licensee fails to provide a replacement**  
26 **bond which meets all requirements of this section for the cancelled**  
27 **bond before the date of cancellation of the cancelled bond. Such a**  
28 **suspension is effective on the date of cancellation of the cancelled**  
29 **bond.**

30 (b) **Revoke the license of a bail agent, bail enforcement agent,**  
31 **bail solicitor or general agent for whom the bond was filed unless**  
32 **the licensee furnishes an equivalent bond or a substitute form of**  
33 **security which is acceptable to the Commissioner within 30 days**  
34 **after the cancellation to replace the cancelled bond.**

35 **↪ A cancellation pursuant to this section does not affect any**  
36 **liability incurred or accrued on the licensing bond before the**  
37 **cancellation.**

38 **Sec. 26.** NRS 697.205 is hereby amended to read as follows:

39 697.205 A bail agent, bail enforcement agent or bail solicitor  
40 whose license lapses is exempt from retaking the examination  
41 otherwise required under NRS 697.200 if he or she applies and is  
42 ~~relicensed~~ :

43 1. **Relicensed** within 6 months after the date of lapse ~~+~~ ; and

44 2. **Otherwise qualified for the issuance of the license**  
45 **pursuant to this chapter.**



1     **Sec. 27.** NRS 697.210 is hereby amended to read as follows:

2     697.210 1. If the Commissioner finds that the application is  
3 complete, that the applicant has passed all required examinations  
4 and is otherwise qualified for the license applied for, the  
5 Commissioner ~~{shall promptly}~~ *may* issue the license. ~~{Otherwise,}~~  
6 *If* the Commissioner ~~{shall refuse}~~ *refuses* to issue the license ~~{and}~~  
7 *, the Commissioner shall* promptly notify the applicant and the  
8 appointing *surety* insurer, if the application is for a bail agent's or  
9 general agent's license, or the employer, if the application is for a  
10 *bail enforcement agent's or* bail solicitor's license, of such refusal,  
11 stating the grounds for the refusal.

12     2. All *licensing* fees required to be paid pursuant to this  
13 chapter shall be deemed earned when paid and may not be refunded.

14     3. *The Commissioner may participate with the National*  
15 *Association of Insurance Commissioners, or a subsidiary thereof,*  
16 *in a centralized registry in which the licensing and appointment of*  
17 *bail agents, bail enforcement agents, bail solicitors and general*  
18 *agents may be processed for all states that require licensing and*  
19 *participate in the registry. If the Commissioner finds that*  
20 *participation is in the public interest, the Commissioner may adopt*  
21 *by regulation any requirements for participation, including,*  
22 *without limitation, any centralized collection of fees for licensing*  
23 *and appointment through the use of the registry.*

24     **Sec. 28.** NRS 697.220 is hereby amended to read as follows:

25     697.220 1. A license must state the name and address of the  
26 licensee, the date of issue, general conditions relative to expiration  
27 or termination, and such other information and conditions as the  
28 Commissioner may deem proper and consistent with law.

29     2. The license of a bail solicitor must also state the name and  
30 address of the bail agent who is the employer of the bail solicitor.

31     3. *A licensee shall inform the Commissioner of each change*  
32 *of his or her business or residence address, in writing or by other*  
33 *means acceptable to the Commissioner, within 30 days after the*  
34 *change. If a licensee fails to give notice pursuant to this*  
35 *subsection and the Commissioner is unable to locate the licensee*  
36 *after diligent effort, the Commissioner may revoke the license of*  
37 *the licensee without a hearing. The mailing of a letter by certified*  
38 *mail, return receipt requested, addressed to the licensee at his or*  
39 *her most recent mailing address on record with the Division, and*  
40 *the return of the letter undelivered, is deemed to constitute a*  
41 *diligent effort by the Commissioner.*

42     **Sec. 29.** NRS 697.230 is hereby amended to read as follows:

43     697.230 1. ~~{Except as otherwise provided in NRS 697.177,~~  
44 ~~each}~~ *Each* license issued ~~{to a general agent, bail agent, bail~~  
45 ~~enforcement agent or bail solicitor}~~ under this chapter continues in



1 force for 3 years unless it is suspended, revoked or otherwise  
2 terminated. A license may be renewed *if the licensee is qualified as*  
3 *provided in this chapter* upon payment of all applicable fees for  
4 renewal to the Commissioner on or before the last day of the month  
5 in which the license is renewable. All applicable fees must be  
6 accompanied by:

7 (a) Proof that the licensee has completed a 3-hour program of  
8 continuing education that is:

9 (1) Offered by the authorized surety insurer from whom the  
10 licensee received written appointment, if any, a state or national  
11 organization of bail agents or another organization that administers  
12 training programs for general agents, bail agents, bail enforcement  
13 agents or bail solicitors; and

14 (2) Approved by the Commissioner;

15 (b) If the licensee is a natural person, the statement required  
16 pursuant to NRS 697.181; and

17 (c) A written request for renewal of the license. The request  
18 must be made and signed:

19 (1) By the licensee in the case of the renewal of a license as a  
20 general agent, bail enforcement agent or bail agent.

21 (2) By the bail solicitor and the bail agent who employs the  
22 solicitor in the case of the renewal of a license as a bail solicitor.

23 2. ~~{Any} Except as otherwise provided in subsection 3, any~~  
24 license that is not renewed on or before the last day specified for its  
25 renewal expires at midnight on that day. ~~{The Commissioner may~~  
26 ~~accept a request for renewal received by the Commissioner within~~  
27 ~~30 days after the date of expiration if the request is accompanied by~~  
28 ~~a fee for renewal of 150 percent of all applicable fees otherwise~~  
29 ~~required, except for any fee required pursuant to NRS 680C.110,~~  
30 ~~and, if the person requesting renewal is a natural person, the~~  
31 ~~statement required pursuant to NRS 697.181.}~~

32 3. *A licensee who is unable to renew his or her license*  
33 *because of military service, extended disability or any other*  
34 *extenuating circumstance specified by the Commissioner may*  
35 *request a waiver of the provisions of subsection 2 and of any*  
36 *administrative fine imposed because of his or her failure to renew*  
37 *the license.*

38 4. A bail agent's license continues in force ~~{while}~~ *as provided*  
39 *in subsection 1 if* there is in effect an appointment of him or her as a  
40 bail agent of one or more authorized *surety* insurers. Upon  
41 termination of all the bail agent's appointments and the bail agent's  
42 failure to replace any appointment within 30 days thereafter, the bail  
43 agent's license expires and the bail agent shall promptly deliver his  
44 or her license to the Commissioner.





1 ~~4.~~ 5. The Commissioner shall terminate the license of a  
2 general agent for a particular *surety* insurer upon a written request  
3 by the *surety* insurer.

4 ~~{5.—This section does not apply to temporary licenses issued~~  
5 ~~under NRS 683A.311 or 697.177.}~~

6 **Sec. 30.** NRS 697.240 is hereby amended to read as follows:

7 697.240 1. Each *surety* insurer appointing a bail agent shall  
8 file with the Commissioner a written appointment and pay the  
9 applicable fee for the appointment.

10 2. Each appointment remains in effect until the bail agent's  
11 license is revoked or otherwise terminated, or there is an earlier  
12 termination of the appointment.

13 3. No *surety* insurer may appoint a bail agent whose contingent  
14 liability exceeds an amount equal to 10 times his or her reserve  
15 account unless the appointment is first approved by the  
16 Commissioner.

17 4. *A bail agent appointed by a surety insurer acts as an*  
18 *attorney-in-fact for the surety insurer at all times on bail bonds*  
19 *and other contracts executed on behalf of the surety insurer, or in*  
20 *connection with a bail transaction.*

21 5. *A surety insurer is liable for the acts of any appointed bail*  
22 *agent, bail enforcement agent and general agent acting on its*  
23 *behalf, whether directly or indirectly.*

24 **Sec. 31.** NRS 697.250 is hereby amended to read as follows:

25 697.250 1. ~~{An}~~ *A surety* insurer may terminate ~~{an}~~ *its*  
26 appointment *of a bail agent* at any time. The *surety* insurer shall  
27 promptly give written notice of *the* termination and the effective  
28 date thereof to the Commissioner, on forms furnished by the  
29 Commissioner, and to the bail agent if reasonably possible. The  
30 Commissioner may require of the *surety* insurer reasonable proof  
31 that the *surety* insurer has also given such a notice to the *bail* agent  
32 if reasonably possible.

33 2. Accompanying each notice of termination given to the  
34 Commissioner, the *surety* insurer shall file with the Commissioner a  
35 statement of the cause, if any, for the termination. Any information  
36 or documents so disclosed to the Commissioner ~~{shall be deemed an~~  
37 ~~absolutely privileged communication,}~~ *are confidential*, and the  
38 information or documents are not admissible as evidence in any  
39 action or proceedings unless their use as evidence is permitted by  
40 the *surety* insurer in writing.

41 3. A bail agent terminating the ~~{appointment and license as~~  
42 ~~such}~~ *employment* of a bail solicitor shall give notice of *the*  
43 termination in the manner prescribed by subsections 1 and 2. Any  
44 information or documents disclosed to the Commissioner ~~{shall be~~  
45 ~~deemed an absolutely privileged communication, unless the~~



1 ~~privilege~~ *are confidential, unless confidentiality* is waived in  
2 writing by the bail agent.

3 4. No agreement between ~~an~~ *a surety* insurer and a bail agent  
4 ~~for between an employing bail agent and a licensed bail solicitor~~  
5 ~~affects the Commissioner's~~ *affects the expiration of the bail*  
6 *agent's license based on the* termination of the appointment . ~~for~~  
7 ~~license if the termination is requested by the insurer or the~~  
8 ~~employing bail agent, as the case may be.~~

9 **Sec. 32.** NRS 697.270 is hereby amended to read as follows:

10 697.270 A bail agent shall not act as an attorney-in-fact for  
11 ~~an~~ *a surety* insurer on an undertaking unless the bail agent has  
12 registered in the office of the sheriff and with the clerk of the district  
13 court in which the *bail* agent resides, and the bail agent may register  
14 in the same manner in any other county. Any bail agent shall file a  
15 certified copy of the appointment of the bail agent by power of  
16 attorney from each *surety* insurer which the bail agent represents as  
17 *bail* agent with each of such officers. The bail agent shall register  
18 and file a certified copy of renewed power of attorney annually on  
19 July 1. The clerk of the district court and the sheriff shall not permit  
20 the registration of a bail agent unless the *bail* agent is licensed by  
21 the Commissioner.

22 **Sec. 33.** NRS 697.280 is hereby amended to read as follows:

23 697.280 1. Every bail agent shall have and maintain in this  
24 state a place of business accessible to the public, wherein the  
25 licensee principally conducts transactions under his or her license.  
26 The address of the ~~principal~~ place of business of the licensee must  
27 appear upon the application for a license and upon the license, when  
28 issued, and the licensee shall promptly notify the Commissioner of  
29 any change in that address. This subsection does not prohibit a  
30 licensee from conducting business in his or her residence in this  
31 state.

32 2. The licenses of the licensee, and ~~those of~~ *all* others  
33 employed by the licensee, ~~and~~ the fees charged for services  
34 rendered *and a statement of consumer rights* must be  
35 conspicuously displayed in the ~~principal~~ place of business of the  
36 licensee in a part or area customarily open to the public. *The*  
37 *licensee shall provide a copy of the statement of consumer rights*  
38 *to each client. The Commissioner shall adopt regulations which*  
39 *establish the statement of consumer rights required to be displayed*  
40 *and provided to each client by this subsection.*

41 3. *In addition to providing copies of all approved agreements*  
42 *and forms pursuant to NRS 697.130, a bail agent shall provide to*  
43 *a defendant and any other party to a bail transaction, in writing,*  
44 *the name and contact information of the surety insurer issuing the*  
45 *bail bond in the transaction.*



1 4. The bail agent shall keep at his or her ~~{principal}~~ place of  
2 business the records required under NRS 697.290.

3 5. *Only one fictitious name may be used for any bail agent*  
4 *established under the bail agent's license. The fictitious name*  
5 *must be registered with and approved by the Division.*

6 **Sec. 34.** NRS 697.300 is hereby amended to read as follows:

7 697.300 1. A *surety insurer or* bail agent shall not, in any  
8 bail transaction or in connection therewith, directly or indirectly,  
9 charge or collect money or other valuable consideration ~~{from any~~  
10 ~~person}~~ except for the following purposes:

11 (a) To pay the ~~{premium at the rates established by the insurer,~~  
12 ~~in accordance with chapter 686B of NRS, or to pay the charges for~~  
13 ~~the bail bond filed in connection with the transaction at the rates~~  
14 ~~filed in accordance with the provisions of this Code. The rates must~~  
15 ~~be}~~ *one-time charge of* 15 percent of the amount of the bond or \$50,  
16 whichever is greater ~~{}~~, *for a bail bond executed and accepted by a*  
17 *court or governmental agency as set out in NRS 697.310.*

18 (b) ~~{To provide collateral.~~

19 ~~—(c)}~~ To reimburse himself or herself for actual expenses incurred  
20 in ~~{connection with}~~ the *bail* transaction. Such expenses are limited  
21 to:

22 (1) Guard fees.

23 (2) Notary public fees, recording fees, expenses incurred for  
24 necessary long distance telephone calls and charges for telegrams.

25 (3) Travel expenses incurred more than 25 miles from the  
26 *bail* agent's ~~{principal}~~ place of business. Such expenses:

27 (I) May be billed at the rate provided for state officers and  
28 employees generally; and

29 (II) May not be charged in areas where bail agents  
30 advertise a local telephone number.

31 (4) Expenses incurred to verify underwriting information.

32 (5) ~~{Any}~~ *Court fees associated with the filing of the bail*  
33 *bond.*

34 2. *For any* other actual ~~{expenditure necessary to the~~  
35 ~~transaction which is not usually and customarily incurred in~~  
36 ~~connection with bail transactions.~~

37 ~~—(d) To reimburse himself or herself, or have}~~ *expenses incurred*  
38 *in good faith, a surety insurer or bail agent has a right of action at*  
39 *law in a court of competent jurisdiction* against the principal or any  
40 indemnitor, ~~{for actual}~~ *including, without limitation, those*  
41 *expenses incurred {in good faith,}* by reason of breach by the  
42 defendant of any of the terms of the written agreement under which  
43 and pursuant to which the ~~{undertaking of bail or}~~ bail bond was  
44 written. ~~{If there is no written agreement, or an incomplete writing,~~  
45 ~~the surety may, at law, enforce its equitable rights against the~~



1 ~~principal and his or her indemnitors, in exoneration. Such~~  
2 ~~reimbursement or right of action must not exceed the principal sum~~  
3 ~~of the bond or undertaking, plus any reasonable expenses that may~~  
4 ~~be verified by receipt in a total amount of not more than the~~  
5 ~~principal sum of the bond or undertaking, incurred in good faith by~~  
6 ~~the surety, its agents, licensees and employees by reason of the~~  
7 ~~principal's breach.~~

8 ~~2. This section does not prevent the full and unlimited right of~~  
9 ~~a bail agent to execute undertaking of bail on behalf of a nonresident~~  
10 ~~agent of the surety he or she represents. The licensed resident bail~~  
11 ~~agent is entitled to a minimum countersignature fee of \$5, with a~~  
12 ~~maximum countersignature fee of \$100, plus expenses incurred in~~  
13 ~~accordance with paragraphs (c) and (d) of subsection 1. Such~~  
14 ~~countersignature fees may be charged in addition to the premium of~~  
15 ~~the undertaking.] A surety insurer or bail agent shall not use any~~  
16 ~~other form of collection to recover such expenses.~~

17 *3. At any time before a bail bond is accepted by a court or*  
18 *governmental agency, the bail transaction may be cancelled by*  
19 *any party to the bail transaction. If a bail transaction is cancelled,*  
20 *the surety insurer or bail agent on behalf of the surety insurer*  
21 *must refund all money collected and return all collateral held in*  
22 *full by the end of the 10th business day after the cancellation. The*  
23 *surety insurer or bail agent on behalf of the surety insurer shall*  
24 *pay interest on any money or collateral not returned within the*  
25 *period set forth in this subsection.*

26 **Sec. 35.** NRS 697.310 is hereby amended to read as follows:

27 697.310 *1. Except to the extent permitted by ~~paragraphs (c)~~*  
28 *~~and (d) of subsection 1 and subsection 2 of~~ NRS 697.300, a*  
29 *licensee shall not ~~make any~~ charge for ~~the~~ any services ~~of the~~*  
30 *~~licensee~~ **that are** in addition to ~~the premium or~~*  
31 *~~the charge for a bail bond at the rates filed in accordance with the~~*  
32 *~~provisions of this Code.] a one-time charge of 15 percent of the~~*  
33 *~~amount of the bond or \$50, whichever is greater, for the bail bond~~*  
34 *~~executed in the bail transaction.~~*

35 *2. A licensee shall not charge any costs associated with hiring*  
36 *an attorney at law to represent the surety insurer, bail agent, bail*  
37 *enforcement agent, bail solicitor or general agent.*

38 *3. A licensee shall not charge or collect any fees for a bail*  
39 *transaction that is cancelled at any time before the bail bond is*  
40 *accepted by a court or governmental agency.*

41 **Sec. 36.** NRS 697.320 is hereby amended to read as follows:

42 697.320 *1. ~~[A]~~ On behalf of a surety insurer, a bail agent*  
43 *may accept **physical possession of property as** collateral ~~security]~~*  
44 *in connection with a bail transaction if the **property offered as***  
45 *collateral ~~security]~~ is reasonable in relation to the face amount of*



1 the *bail* bond. The bail agent shall not transfer the collateral to any  
2 person other than a bail agent licensed pursuant to this chapter or a  
3 surety insurer holding a valid certificate of authority issued by the  
4 Commissioner. The collateral must not be transported or otherwise  
5 removed from this state. ~~Any person who receives the collateral:~~

6 ~~— (a) Shall be deemed to hold the collateral~~ *When any collateral*  
7 *is held to secure an interest in a bail transaction, the collateral*  
8 *must be:*

9 *(a) Described with specificity in a writing signed by each party*  
10 *to the bail transaction at the time of the issuance of the bail bond;*

11 *(b) Held in a fiduciary capacity* ~~to the same extent as a bail~~  
12 ~~agent; and~~

13 ~~— (b) Shall retain, return~~ ;

14 *(c) Held, returned* and otherwise ~~possess the collateral~~  
15 *possessed* in accordance with the provisions of this chapter ~~+~~; and

16 *(d) Insured by the surety insurer or bail agent who has*  
17 *possession of the collateral, at the expense of the surety insurer or*  
18 *bail agent, to the benefit of the principal or indemnitor.*

19 2. ~~The collateral security must be received by the bail agent in~~  
20 ~~his or her fiduciary capacity, and before any forfeiture of bail~~ *Any*  
21 *other form of security interest obtained in connection with a bail*  
22 *transaction for which the bail agent does not take possession is*  
23 *governed by chapter 104 of NRS and any other applicable laws.*

24 3. *Any collateral specified in subsection 1* must be kept  
25 separate and apart from any other funds or assets of the ~~licensee.~~  
26 *surety insurer or bail agent.* Any collateral received must be  
27 returned to the person who deposited it ~~with the bail agent or any~~  
28 ~~assignee other than the bail agent~~ as soon as the obligation, the  
29 satisfaction of which was secured by the collateral, is discharged  
30 ~~and all fees owed to the bail agent have been paid.~~ *or the bail*  
31 *transaction is cancelled.* The bail agent or ~~any~~ surety insurer  
32 having custody of the collateral shall, immediately after ~~the bail~~  
33 ~~agent or surety insurer receives~~ *receiving* a request for return of the  
34 collateral from the person who deposited the collateral, determine  
35 whether the ~~bail agent or surety insurer has received notice that the~~  
36 obligation ~~is~~ *has been* discharged. ~~If the~~ *Any* collateral ~~is~~  
37 deposited to secure the obligation of a *bail* bond ~~+~~ ~~it~~ must be  
38 returned immediately *upon a determination that the obligation is*  
39 *discharged or within 10 days* after receipt of the request for return  
40 of the collateral , ~~and notice of the entry of any order by an~~  
41 ~~authorized official by virtue of which liability under the bond is~~  
42 ~~terminated or upon payment of all fees owed to the bail agent,~~  
43 whichever is ~~later.~~ *earlier.* A certified copy of the minute order  
44 from the court wherein the bail or undertaking was ordered



1 exonerated shall be deemed prima facie evidence of exoneration or  
2 termination of liability.

3 ~~3. If a bail agent receives as collateral in a bail transaction,~~  
4 ~~whether on the bail agent's or another person's behalf, any~~  
5 ~~document conveying title to real property, the bail agent shall not~~  
6 ~~accept the document unless it indicates on its face that it is executed~~  
7 ~~as part of a security transaction. If the document is recorded, the bail~~  
8 ~~agent or any surety insurer having possession of the document shall,~~  
9 ~~immediately after the bail agent or surety insurer receives a request~~  
10 ~~for return of the collateral from the person who executed the~~  
11 ~~document:~~

12 ~~—(a) Determine whether the bail agent or surety insurer has~~  
13 ~~received notice that the obligation for which the document was~~  
14 ~~accepted is discharged; and~~

15 ~~—(b) If the obligation has been discharged, reconvey the real~~  
16 ~~property by delivering a deed or other document of conveyance to~~  
17 ~~the person or to the heirs of the person, legal representative or~~  
18 ~~successor in interest. The deed or other document of conveyance~~  
19 ~~must be prepared in such a manner that it may be recorded.]~~

20 4. If the ~~amount~~ *value* of any collateral received in a bail  
21 transaction exceeds the amount of ~~any bail forfeited by the~~  
22 ~~defendant for whom the collateral was accepted, the bail agent or~~  
23 ~~any surety insurer having custody of the collateral shall,~~  
24 ~~immediately after the bail is forfeited,] a judgment of default on an~~  
25 ~~order of forfeiture entered by a court against the surety insurer~~  
26 ~~pursuant to NRS 178.514, the surety insurer or bail agent on~~  
27 ~~behalf of the surety insurer shall immediately~~ return to the person  
28 who deposited the collateral the amount by which the collateral  
29 exceeds the amount of the bail forfeited. ~~Any collateral returned to~~  
30 ~~a person pursuant to this subsection is subject to a claim for fees, if~~  
31 ~~any, owed to the bail agent returning the collateral.]~~

32 5. If a bail agent accepts collateral, the bail agent shall give a  
33 written receipt for the collateral. The receipt must include in detail a  
34 full account of the collateral received ~~it~~ *, including, without*  
35 *limitation, the reasonable value and physical location of the*  
36 *collateral. If collateral is accepted in any form other than by*  
37 *physical possession, the bail agent shall comply with any other*  
38 *applicable law or regulation concerning the collateral, including,*  
39 *without limitation, the requirements of NRS 104.9101 to 104.9717,*  
40 *inclusive.*

41 **Sec. 37.** NRS 697.325 is hereby amended to read as follows:

42 697.325 1. *A surety insurer may, at any time before the*  
43 *surety insurer is discharged, cause the defendant to be*  
44 *apprehended and surrendered to the custody of the court or*  
45 *governmental agency by a bail enforcement agent. Before causing*



1 *the defendant to be apprehended, the surety insurer must provide*  
2 *to the bail enforcement agent:*

3 (a) *Written authorization to apprehend and surrender the*  
4 *defendant indicating good cause for his or her apprehension and*  
5 *surrender; and*

6 (b) *A copy of the bail bond.*

7 2. *A surety insurer or bail agent may not hire or contract with*  
8 *a bail enforcement agent for any purpose other than to surrender*  
9 *the defendant to a court or governmental agency.*

10 3. *A bail enforcement agent may not apprehend a defendant*  
11 *for any purpose other than to surrender the defendant to a court*  
12 *or governmental agency.*

13 4. After apprehending a defendant in this state, a ~~{bail agent or}~~  
14 bail enforcement agent shall , immediately or without undue delay ,  
15 notify in person or by telephone the local law enforcement agency  
16 of the jurisdiction in which the defendant was apprehended of:

17 (a) The identity of the defendant;

18 (b) The identity of the bail ~~{agent or bail}~~ enforcement agent ~~{;}~~  
19 and *the surety insurer and bail agent authorizing the surrender of*  
20 *the defendant; and*

21 (c) Where the ~~{bail agent or}~~ bail enforcement agent is taking the  
22 defendant to surrender the defendant into custody.

23 ~~{2. Before forcibly entering an inhabited dwelling}~~

24 5. *After apprehending a defendant* in this state, a ~~{bail agent~~  
25 ~~or}~~ bail enforcement agent shall ~~{notify the local law enforcement~~  
26 ~~agency of the jurisdiction in which the dwelling is located.~~

27 ~~—3. A bail agent or bail enforcement agent who violates the~~  
28 ~~provisions of this section is guilty of a misdemeanor.~~

29 ~~—4. As used in this section, “inhabited dwelling” means any~~  
30 ~~structure, building, house, room, apartment, tenement, tent,~~  
31 ~~conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor~~  
32 ~~home or railroad car in which the owner or other lawful occupant~~  
33 ~~resides.}~~ , *without undue delay, transport the defendant to the*  
34 *nearest jail or facility of a law enforcement agency or arrange for*  
35 *the transport of the defendant by the appropriate law enforcement*  
36 *agency.*

37 6. *If a county sheriff accepts custody of the defendant, the*  
38 *sheriff shall require a certified copy of the bail bond which*  
39 *indicates:*

40 (a) *That the bail enforcement agent was authorized to*  
41 *apprehend and surrender the defendant; and*

42 (b) *The good cause for which apprehension and surrender*  
43 *existed.*

44 7. *The certified copy of the bail bond provided to a county*  
45 *sheriff pursuant to subsection 6 must be filed by the bail*



1 *enforcement agent with the Commissioner of Insurance within 10*  
2 *days after the surrender, together with a statement concerning the*  
3 *surrender which includes, without limitation, the information*  
4 *required on Form M-8C, available from the Commissioner of*  
5 *Insurance.*

6 *8. A bail enforcement agent who apprehends a defendant in*  
7 *this State or any other jurisdiction acts as an agent for the surety*  
8 *insurer or bail agent and is not acting for or on behalf of this State*  
9 *or any of its political subdivisions. A sheriff is not liable for any*  
10 *acts of a bail enforcement agent unless the sheriff acts with gross*  
11 *negligence in accepting custody of the defendant and failing to*  
12 *require a certified copy of the bail bond.*

13 **Sec. 38.** NRS 697.330 is hereby amended to read as follows:

14 697.330 ~~If a bail agent or bail solicitor, without good cause,~~  
15 ~~surrenders a defendant to custody before the time specified in the~~  
16 ~~undertaking of bail or the bail bond for the appearance of~~  
17 ~~the defendant, or before any other occasion where the presence of~~  
18 ~~the defendant in court is lawfully required, the premium is~~  
19 ~~returnable in full.~~

20 *1. A surety insurer or bail agent in possession of the written*  
21 *authorization of the surety insurer to apprehend and surrender a*  
22 *defendant may authorize a bail enforcement agent to apprehend*  
23 *and lawfully surrender the defendant after an order of forfeiture*  
24 *has been prepared and signed by the court but before the court has*  
25 *entered a judgment of default on the order of forfeiture. The*  
26 *surety insurer or bail agent in possession of the written*  
27 *authorization of the surety insurer who authorizes the*  
28 *apprehension and surrender of a defendant pursuant to this*  
29 *subsection must file with the Division the written authorization of*  
30 *the surety insurer attached to a certified copy of the order of*  
31 *forfeiture issued by the court.*

32 *2. If a defendant is apprehended or surrendered to a court*  
33 *without written authorization or good cause, the premium and any*  
34 *associated collateral must be returned in full.*

35 *3. A surety insurer or bail agent on whose authorization a*  
36 *bail enforcement agent apprehends and surrenders a defendant is*  
37 *liable for any act or omission of the bail enforcement agent in*  
38 *apprehending and surrendering the defendant.*

39 **Sec. 39.** NRS 697.340 is hereby amended to read as follows:

40 697.340 1. A bail agent, general agent or bail solicitor shall  
41 not:

42 (a) Suggest or advise the employment of or name for  
43 employment any particular attorney to represent his or her principal.

44 (b) Solicit business in or about any place where prisoners are  
45 confined or in or about any court.





1 (c) Pay a fee or rebate or give or promise anything of value to  
2 any person in order to secure a settlement, compromise, remission  
3 or reduction of the amount of any undertaking or bail bond.

4 (d) Pay a fee or rebate or give anything of value to an attorney in  
5 bail bond matters, except for legal services *not related to a*  
6 *defendant and* actually rendered.

7 (e) Pay a fee or rebate or give or promise anything of value to  
8 the principal or anyone in his or her behalf.

9 (f) Participate ~~in the capacity of~~ *as* an attorney at a trial or  
10 hearing of a ~~person on~~ *defendant* whose *bail* bond ~~the~~ *is*  
11 *executed by a* bail agent ~~, general agent or bail solicitor is surety,~~  
12 *or on behalf of a surety insurer with whom the bail agent, general*  
13 *agent or bail solicitor is associated,* except for the purposes of  
14 surrendering the defendant, making motions to set aside orders of  
15 bail forfeitures and motions to exonerate bails and protecting his or  
16 her financial interest in ~~such~~ a bond.

17 (g) *Allow an attorney or paralegal to advertise his or her*  
18 *services through the bail agent, general agent or bail solicitor or*  
19 *through his or her place of business.*

20 (h) *Pay any referral fee or commission to a person not licensed*  
21 *pursuant to this chapter.*

22 (i) *Use any form or preprinted agreement that has not been*  
23 *approved for use by the Commissioner pursuant to NRS 697.130.*

24 (j) *Use any form or document, including, without limitation,*  
25 *an agreement, power of attorney, authorization, waiver or*  
26 *promissory note, that gives a bail agent, bail enforcement agent,*  
27 *bail solicitor or general agent authority over a person's finances,*  
28 *except as authorized by this chapter, real property, personal*  
29 *property or other assets, or that otherwise creates a conflict of*  
30 *interest with the licensee's fiduciary obligation to the defendant or*  
31 *indemnitor of the bail transaction.*

32 (k) *Initiate contact with, or otherwise solicit business from,*  
33 *any relative or friend of a person who is in jail or by using an*  
34 *arrest list.*

35 2. The following persons may not be bail agents, bail  
36 enforcement agents, ~~or~~ *or general agents* and shall  
37 not, directly or indirectly, receive any benefits from the execution of  
38 any bail bond:

- 39 (a) Jailers;  
40 (b) Police officers;  
41 (c) Justices of the peace;  
42 (d) Municipal judges;  
43 (e) Sheriffs, deputy sheriffs and constables;



1 (f) Any person having the power to arrest or having anything to  
2 do with the control of federal, state, county or municipal prisoners;  
3 and

4 (g) Trustees or prisoners incarcerated in any jail, prison or any  
5 other place used for the incarceration of persons.

6 3. *Only a bail agent appointed by a surety insurer may sign a*  
7 *bail bond on behalf of the surety insurer. A bail bond may be*  
8 *signed only at the time the bail bond is executed.* A bail agent shall  
9 not sign ~~for countersign~~ in blank any *bail* bond, or ~~give~~ *assign* the  
10 power of attorney *issued by the surety insurer* to ~~the~~ *the bail agent,*  
11 or otherwise authorize ~~the~~ *any* one to ~~countersign~~ *sign* the name of  
12 the bail agent to *bail* bonds . ~~unless the person so authorized is a~~  
13 ~~licensed agent directly employed by the agent giving the power of~~  
14 ~~attorney.~~

15 4. A bail agent, bail enforcement agent, bail solicitor or general  
16 agent shall not advertise or hold himself or herself out to be a surety  
17 ~~insurance company.~~ *insurer.*

18 5. *A bail agent, bail solicitor or general agent shall not*  
19 *participate in the apprehension or surrender of a defendant other*  
20 *than to execute any required forms and documents related to the*  
21 *apprehension and surrender of the defendant.*

22 6. *A bail agent must execute the bail bond with the court or*  
23 *governmental agency within 3 business days after a bail*  
24 *transaction is executed with the indemnitor.*

25 **Sec. 40.** NRS 697.350 is hereby amended to read as follows:

26 697.350 A bail agent shall justify the suretyship of the bail  
27 agent by attaching a copy of the power of attorney issued to the bail  
28 agent by the surety insurer to each *bail* bond. *A bail agent*  
29 *executing a bail bond is acting on behalf of the surety insurer in a*  
30 *bail transaction at all times.*

31 **Sec. 41.** NRS 697.360 is hereby amended to read as follows:

32 697.360 Licensed bail agents, bail solicitors and bail  
33 enforcement agents, and general agents are also subject to the  
34 following provisions of this Code, to the extent reasonably  
35 applicable:

36 1. Chapter 679A of NRS.

37 2. Chapter 679B of NRS.

38 3. ~~NRS 683A.261.~~

39 ~~4.~~ NRS 683A.301.

40 ~~5.~~ 4. NRS 683A.311.

41 ~~6.~~ 5. NRS 683A.331.

42 ~~7.~~ 6. NRS 683A.341.

43 ~~8.~~ 7. NRS 683A.361.

44 ~~9.~~ 8. NRS 683A.400.

45 ~~10.~~ 9. NRS 683A.451.



1 ~~{11.}~~ 10. NRS 683A.461.

2 ~~{12.}~~ 11. NRS 683A.480.

3 ~~{13.}~~ 12. NRS 683A.500.

4 ~~{14.}~~ ~~NRS 683A.520.~~

5 ~~{15.}~~ 13. NRS 686A.010 to 686A.310, inclusive.

6 14. *NRS 686A.330 to 686A.520, inclusive.*

7 15. *NRS 687B.130.*

8 16. *NRS 687B.140.*

9 **Sec. 42.** NRS 697.370 is hereby amended to read as follows:

10 697.370 1. *The Commissioner may take administrative*  
11 *action for violation of any provision of this chapter and any*  
12 *regulations adopted pursuant thereto, including, without*  
13 *limitation, placing a licensee on probation, suspending or*  
14 *revoking a license and imposing an administrative fine.*

15 2. The Commissioner may inform the appropriate district  
16 attorney of any violation of any provision of this chapter.

17 ~~{2.}~~ 3. In addition to any other penalty provided in this chapter  
18 any person violating any provision of this chapter is guilty of a  
19 misdemeanor.

20 **Sec. 43.** NRS 178.504 is hereby amended to read as follows:

21 178.504 1. Every surety ~~{, except a corporate surety which is~~  
22 ~~approved}~~ *insurer*, as ~~{provided by law,}~~ *defined in section 7 of this*  
23 *act*, shall justify by affidavit and may be required to describe in the  
24 affidavit:

25 (a) The property by which the surety *insurer* proposes to justify  
26 and the encumbrances thereon;

27 (b) The number and amount of other bonds and undertakings for  
28 bail entered into by the surety *insurer* and remaining undischarged;  
29 and

30 (c) All other liabilities.

31 2. No bond shall be approved unless the surety *insurer* thereon  
32 appears to be qualified.

33 ~~{3.} A corporate surety that is authorized to transact insurance in~~  
34 ~~this State pursuant to chapter 680A of NRS is a sufficient surety for~~  
35 ~~all courts and shall be deemed to be qualified for purposes of this~~  
36 ~~section.~~

37 **Sec. 44.** NRS 178.526 is hereby amended to read as follows:

38 178.526 1. For the purpose of surrendering a defendant, a  
39 surety ~~{}~~ *insurer*, at any time before the surety *insurer* is finally  
40 discharged, and at any place within this State, may, by ~~{}~~

41 ~~{(a) Written}~~ *written* authorization for the ~~{arrest}~~ *apprehension*  
42 of the defendant *indicating good cause for apprehension* attached  
43 to a copy of the ~~{undertaking; or}~~

44 ~~{(b) A written authority endorsed on a certified copy of the~~  
45 ~~undertaking;~~



1 ~~→~~ *bail bond*, cause the defendant to be ~~arrested~~ *apprehended* by  
2 a ~~bail agent or~~ bail enforcement agent who is licensed pursuant to  
3 chapter 697 of NRS.

4 2. A bail ~~agent or bail~~ enforcement agent who ~~arrests~~  
5 *apprehends* a defendant in this State or any other jurisdiction is not  
6 acting for or on behalf of this State or any of its political  
7 subdivisions.

8 **Sec. 45.** NRS 239.010 is hereby amended to read as follows:

9 239.010 1. Except as otherwise provided in this section and  
10 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,  
11 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,  
12 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,  
13 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,  
14 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,  
15 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
16 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,  
17 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
18 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,  
19 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
20 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
21 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
22 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
23 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,  
24 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
25 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,  
26 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
27 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
28 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,  
29 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,  
30 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,  
31 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
32 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,  
33 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
34 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,  
35 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
36 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,  
37 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
38 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
39 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,  
40 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,  
41 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,  
42 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,  
43 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
44 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,  
45 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,



1 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,  
2 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,  
3 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,  
4 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,  
5 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,  
6 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,  
7 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583,  
8 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
9 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
10 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,  
11 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,  
12 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665,  
13 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,  
14 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,  
15 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
16 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,  
17 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,  
18 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,  
19 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
20 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
21 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,  
22 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
23 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,  
24 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,  
25 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
26 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,  
27 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
28 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,  
29 696B.550, **697.250**, 703.196, 704B.320, 704B.325, 706.1725,  
30 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478,  
31 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
32 Nevada 2013 and unless otherwise declared by law to be  
33 confidential, all public books and public records of a governmental  
34 entity must be open at all times during office hours to inspection by  
35 any person, and may be fully copied or an abstract or memorandum  
36 may be prepared from those public books and public records. Any  
37 such copies, abstracts or memoranda may be used to supply the  
38 general public with copies, abstracts or memoranda of the records or  
39 may be used in any other way to the advantage of the governmental  
40 entity or of the general public. This section does not supersede or in  
41 any manner affect the federal laws governing copyrights or enlarge,  
42 diminish or affect in any other manner the rights of a person in any  
43 written book or record which is copyrighted pursuant to federal law.  
44 2. A governmental entity may not reject a book or record  
45 which is copyrighted solely because it is copyrighted.



1 3. A governmental entity that has legal custody or control of a  
2 public book or record shall not deny a request made pursuant to  
3 subsection 1 to inspect or copy or receive a copy of a public book or  
4 record on the basis that the requested public book or record contains  
5 information that is confidential if the governmental entity can  
6 redact, delete, conceal or separate the confidential information from  
7 the information included in the public book or record that is not  
8 otherwise confidential.

9 4. A person may request a copy of a public record in any  
10 medium in which the public record is readily available. An officer,  
11 employee or agent of a governmental entity who has legal custody  
12 or control of a public record:

13 (a) Shall not refuse to provide a copy of that public record in a  
14 readily available medium because the officer, employee or agent has  
15 already prepared or would prefer to provide the copy in a different  
16 medium.

17 (b) Except as otherwise provided in NRS 239.030, shall, upon  
18 request, prepare the copy of the public record and shall not require  
19 the person who has requested the copy to prepare the copy himself  
20 or herself.

21 **Sec. 46.** This act becomes effective:

22 1. Upon passage and approval for the purpose of adopting any  
23 regulations and performing any other preparatory administrative  
24 tasks necessary to carry out the provisions of this act; and

25 2. On January 1, 2018, for all other purposes.





