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## Consumer Protection; Deceptive Trade Practices

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shorter, (1) the same nonconformity persists after the vehicle has been subject to repair four or more times or (2) the vehicle is out of service for repairs for a cumulative total of at least thirty days.<sup>8</sup> This thirty day time period, however, must be appropriately extended whenever the necessary repairs cannot be made for reasons beyond the control of the seller.<sup>9</sup>

Chapter 261 requires that any action brought pursuant to its terms must be commenced within eighteen months after the original delivery date of the vehicle.<sup>10</sup> Chapter 261, however, does not limit any other rights or remedies that the buyer may have under law or by agreement.<sup>11</sup> Furthermore, Chapter 261 specifies that the running of a time period established by its provisions is tolled during the time that services to repair the vehicle are not reasonably available to the buyer because of a war, invasion, strike, fire, flood, or other natural disaster.<sup>12</sup>

Moreover, Chapter 261 provides that when the manufacturer has established a procedure for settling disputes informally in compliance with specified provisions of the Code of Federal Regulations,<sup>13</sup> the buyer must first submit a claim for refund or replacement under these procedures before bringing any action pursuant to Chapter 261.<sup>14</sup> Finally, any provision or agreement between the buyer and seller that waives the buyer's rights or remedies provided by Chapter 261 is void.<sup>15</sup>

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8. *Id.* c. 261, §4(2), at 611.

9. *Id.* c. 261, §4(2)(b), at 611.

10. *Id.* c. 261, §9, at 612.

11. *Id.* c. 261, §7, at 612.

12. *Id.* c. 261, §5, at 611.

13. Informal Dispute Settlement Procedures, 16 C.F.R. §§703.1-.8 (1983).

14. 1983 Nev. Stat. c. 261, §6, at 612.

15. *Id.* c. 261, §8, at 612.

### **Consumer Protection; deceptive trade practices**

NEV. REV. STAT. §598.— (new); §§598.360, 598.410, 598.510, 598.520, 598.530, 598.540, 598.550, 598.560, 598.570, 598.640 (amended).

SB 318 (Wilson); 1983 STAT. Ch 365

Under existing law, deceptive trade practices include false or misleading statements concerning goods, services or the business of an-

other in the form of advertisements, sales, or product disparagement.<sup>1</sup> Chapter 365 expands this broad list of deceptive trade practices to include specific types of advertisements or offers for opportunities to invest.<sup>2</sup>

With the enactment of Chapter 365, an advertisement or offer for an opportunity to invest is a deceptive trade practice if (1) a false representation is made that the seller is licensed by an agency of the state to sell or offer for sale investments or services for investment, and the seller is in fact not licensed,<sup>3</sup> (2) a representation is made that the investment is secured, guaranteed, protected,<sup>4</sup> or will earn a certain rate of return,<sup>5</sup> and the seller knows or has reason to know that the statement is false or misleading, (3) an untrue statement of material fact is made, or a material fact necessary to make another statement not misleading is omitted by the seller,<sup>6</sup> (4) the seller fails to maintain adequate investment records,<sup>7</sup> (5) the seller fails to provide information to an investor after the investor has made a reasonable request for information,<sup>8</sup> or (6) the seller fails to comply with laws or regulations pertaining to the marketing of securities or other investments.<sup>9</sup>

In addition, Chapter 365 extends to the Director of the Department of Commerce<sup>10</sup> all the investigative and procedural powers conferred upon the Commissioner of Consumer Affairs that are necessary for the prevention or termination of deceptive trade practices.<sup>11</sup> These powers include the authority to (1) request a person reported as or suspected of engaging in a deceptive trade practice to file a statement in writing regarding the facts and circumstances surrounding the sale or advertisement of property,<sup>12</sup> (2) examine,<sup>13</sup> investigate,<sup>14</sup> copy,<sup>15</sup> or impound any property or sample thereof,<sup>16</sup> (3) issue subpoenas,<sup>17</sup> (4) conduct hearings,<sup>18</sup> (5) apply to any district court for an injunction or tempo-

1. See NEV. REV. STAT. §598.410(1)-(16).

2. *Id.* §598.410(17) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

3. *Id.* §598.410(17)(g) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

4. *Id.* §598.410(17)(a) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

5. *Id.* §598.410(17)(b) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

6. *Id.* §598.410(17)(c) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

7. *Id.* §598.410(17)(d) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

8. *Id.* §598.410(17)(e) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

9. *Id.* §598.410(17)(f) (amended by 1983 Nev. Stat. c. 365, §5(17), at 881).

10. 1983 Nev. Stat. c. 365, §2, at 881 (definition of director).

11. NEV. REV. STAT. §§598.510, 598.520, 598.530, 598.540, 598.550, 598.560, 598.570, 598.640 (amended by 1983 Nev. Stat. c. 365, §§6-13, at 883-85).

12. *Id.* §598.510(1) (amended by 1983 Nev. Stat. c. 365, §6, at 883).

13. *Id.* §598.510(3) (amended by 1983 Nev. Stat. c. 365, §6, at 883).

14. *Id.* §598.520 (amended by 1983 Nev. Stat. c. 365, §7, at 883).

15. *Id.* §598.510(4) (amended by 1983 Nev. Stat. c. 365, §6, at 883).

16. *Id.* §598.510(5) (amended by 1983 Nev. Stat. c. 365, §6, at 883).

17. *Id.* §598.520(1) (amended by 1983 Nev. Stat. c. 365, §7, at 883).

18. *Id.*

rary restraining order,<sup>19</sup> (6) accept assurances of discontinuance or stipulation,<sup>20</sup> (7) impose penalties or sanctions,<sup>21</sup> and (8) adopt regulations that may be necessary to administer the provisions of the Trade Regulation and Practices Act.<sup>22</sup> Finally, Chapter 365 permits the Director of the Department of Commerce to delegate these powers and duties to any person under the Director's immediate supervision and instruction.<sup>23</sup>

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19. *Id.* §598.530(1) (amended by 1983 Nev. Stat. c. 365, §8, at 883).

20. *Id.* §598.540(2) (amended by 1983 Nev. Stat. c. 365, §9, at 884). See generally Struve, *Consumer Fraud and Acceptance of Assurances of Discontinuance by Nevada District Attorneys*, 39 NEV. ST. B. J. 15, (1974).

21. NEV. REV. STAT. §598.640 (amended by 1983 Nev. Stat. c. 365, §13, at 885). The statutes proscribing use of deceptive trade practices contemplate injunctions against use of such practices and not injunctions which prohibit an individual from engaging in a particular occupation or business. See generally *State ex rel List v. AAA Auto Leasing and Rental, Inc.*, 93 Nev. 483, 568 P.2d 1230 (1977).

22. NEV. REV. STAT. §598.520; (amended by 1983 Nev. Stat. c. 365, §7(1), at 883); see NEV. REV. STAT. §§598.360-640 (Trade Regulation and Practices Act).

23. 1983 Nev. Stat. c. 365, §3, at 881.

## Consumer Protection; hospital billings

NEV. REV. STAT. §449.243 (amended).  
AB 392 (Sedway); 1983 STAT. Ch 267

Existing law permits any licensed<sup>1</sup> hospital<sup>2</sup> to use the Uniform Billing and Claims Forms established by the American Hospital Association.<sup>3</sup> With the enactment of Chapter 267, however, the unlimited use of these forms by a hospital is restricted.<sup>4</sup> Hospitals now must provide patients with a billing that itemizes charges for services, equipment, supplies and medicines.<sup>5</sup> These individual charges must be specifically described and listed in language that is understandable to an ordinary lay person.<sup>6</sup> Furthermore, these billings must be provided to the patient at no additional cost.<sup>7</sup>

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1. NEV. REV. STAT. §449.030 (license required).

2. *Id.* §449.012 (definition of hospital).

3. *Id.* §449.243.

4. Compare *id.* (amended by 1983 Nev. Stat. c. 267 §1, at 649) with 1975 Nev. Stat. c. 527, §4, at 897 (enacting NEV. REV. STAT. §449.243).

5. 1983 Nev. Stat. c. 267 §1(2), at 649.

6. *Id.* c. 267, §1(2), at 649.

7. *Id.*