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Consumer Protection; regulation of credit services

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In addition, Chapter 425 requires the manager¹¹ to contract with a third party to provide emergency repairs¹² for the tenant in the manager's absence.¹³

Prior law permitted the city and county to establish a board to mediate grievances between the landlord and tenants of mobile home parks.¹⁴ Chapter 426 requires the landlord to meet with a representative group of tenants¹⁵ chosen by the tenants to hear complaints or suggestions.¹⁶

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11. NEV. REV. STAT. § 118B.085 3 (amended by 1987 Nev. Stat. ch. 426, sec. 8(3), at — (definition of manager). The owner must supply the tenants with the address and phone number of the manager of the mobile home park. *Id.* § 118B.080 1(a) (amended by 1987 Nev. Stat. ch. 426, sec. 7, at —).

12. 1987 Nev. Stat. ch. 425, sec. 3(3), at — (enacting NEV. REV. STAT. § 118B.____) (requiring repairs to the property of the owner of the mobile home park).

13. 1987 Nev. Stat. ch. 426, sec. 3, at — (enacting NEV. REV. STAT. § 118B.____) (the request must be made to the manager if present). Landlord must authorize the manager to make repairs or enter into contracts with third parties for repairs. *Id.* sec. 3(1), at — (enacting NEV. REV. STAT. § 118B.____). If a statute requires a tenant to obtain approval from the landlord on a particular matter, the approval must be in writing. *Id.*

14. 1979 Nev. Stat. ch. 692, sec. 1.6, at 1871 (repealed by 1987 Nev. Stat. ch. 426, sec. 12, at —).

15. NEV. REV. STAT. § 118B.110 1 (amended by 1987 Nev. Stat. ch. 426, sec. 6, at —) (consisting of no more than five representatives).

16. *Id.* § 118B.110 (amended by 1987 Nev. Stat. ch. 426, sec. 6, at —) (meeting must be within 45 days after receiving complaint).

Consumer Protection; regulation of credit services

NEV. REV. STAT. § 598.____ (new).

AB 590 (Callister); 1987 STAT. Ch 649

Existing law declares that all persons¹ desiring to obtain credit² must be afforded equal opportunity to have their creditworthiness evaluated without any discrimination on the basis of their sex or marital status.³ Chapter 649 prohibits an organization⁴ that provides

1. NEV. REV. STAT. § 598B.080 (definition of persons).

2. *Id.* § 598B.050 (definition of credit).

3. *Id.* § 598B.020 (same relevant economic standards must be used).

4. 1987 Nev. Stat. ch. 649, sec. 2, at — (enacting NEV. REV. STAT. § 598.____) (definition of an organization).

credit services from charging or receiving any money before the services have been performed.⁵ Furthermore, Chapter 649 prohibits the organization from charging or receiving any money for the referral of a buyer⁶ to a retail seller who will extend credit⁷ to the buyer.⁸

Under Chapter 649, an organization is not allowed to advise a buyer to make any statement concerning the buyer's creditworthiness, credit standing or credit capacity that is untrue or misleading to a consumer credit reporting agency.⁹ Furthermore, Chapter 649 prohibits the use of any untrue or misleading representations in the offer or sale of services of an organization.¹⁰

Prior to executing a contract,¹¹ Chapter 649 provides that a buyer must be given a written statement specifying that the buyer has a right to: (1) Disclosure of all information in any file maintained by a credit reporting agency;¹² (2) free disclosure of information if requested within 30 days after receipt of notice of a denial of credit;¹³ (3) the approximate cost of receiving this disclosure when there has not been a denial of credit; and (4) challenge the completeness or accuracy of any item contained in any file maintained by any consumer credit reporting agency.¹⁴ The organization also must provide: (1) A detailed description of the services to be performed by the organization and the total cost for the services;¹⁵ (2) if a bond,

5. 1987 Nev. Stat. ch. 649, secs. 3, at ___ (enacting NEV. REV. STAT. § 598.____); 6, at ___ (enacting NEV. REV. STAT. § 598.____). Full and complete performance of the services is not a prerequisite to receiving money if the organization has deposited with the commissioner of consumer affairs a bond executed by a corporate surety approved to do business in the state, an irrevocable letter of credit of which the owner of the organization is the obligor and is issued by a bank whose deposits are federally insured, or a certificate of deposit in a federally insured financial institution, which may be withdrawn only on the order of the commissioner. *Id.* A buyer who is injured because of breach of contract or bankruptcy may bring an action to recover against the bond, letter of credit or certificate of deposit, however the liability of the surety will not exceed the amount of the bond, which must be at least \$50,000. *Id.*

6. 1987 Nev. Stat. ch. 649, sec. 2, at ___ (enacting NEV. REV. STAT. § 598.____) (definition of buyer).

7. *Id.* (definition of extension of credit).

8. *Id.* sec. 3, at ___ (enacting NEV. REV. STAT. § 598.____) (applies if the credit to be extended is upon substantially the same terms as those available to the general public).

9. *Id.* An organization is not allowed to make, counsel or advise a buyer to make any statement that is untrue or misleading to any person who has extended credit to the buyer or to whom the buyer is applying for an extension of credit. *Id.*

10. *Id.* (includes any acts, practices or course of business which is fraudulent or deceptive).

11. The contract must be in writing, signed and dated by the buyer. 1987 Nev. Stat. ch. 649, sec. 5, at ___ (enacting NEV. REV. STAT. § 598.____).

12. *Id.* sec. 4, at ___ (enacting NEV. REV. STAT. § 598.____). See 15 U.S.C. 1681 (1982) (medical information is excepted).

13. See 15 U.S.C. 1681 (1982).

14. 1987 Nev. Stat. ch. 649, sec. 4, at ___ (enacting NEV. REV. STAT. § 598.____).

15. *Id.*

letter of credit or certificate of deposit is obtained, a statement that the buyer has a right to proceed against the fund;¹⁶ and (3) a statement that the buyer may cancel the contract for the services within 5 days after its execution by written notice mailed or delivered to the organization.¹⁷

A violation of Chapter 649 or a breach of the contract by the organization will result in the buyer being able to recover actual damages plus reasonable attorney's fees and costs.¹⁸ Chapter 649 adds that any waiver of the provisions of this act is contrary to public policy.¹⁹ Further, any attempt by an organization to have a buyer waive those rights is an unlawful act.²⁰

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16. *Id.*

17. *Id.* secs. 4, at ____; 5, at ____ (enacting NEV. REV. STAT. § 598.____). If notice is mailed, it must be postmarked not later than 5 days after the execution of the contract. *Id.*

18. *Id.* sec. 8, at ____ (enacting NEV. REV. STAT. § 598.____). The court also may award punitive damages. *Id.*

19. *Id.* sec. 7, at ____ (enacting NEV. REV. STAT. § 598.____) (provision is void and unenforceable).

20. *Id.* sec. 9, at ____ (enacting NEV. REV. STAT. § 598.____) (punishable as a misdemeanor).

Consumer Protection; franchising automobile service stations

NEV. REV. STAT. § 598.____ (new); §§ 598.650, 598.655, 598.660, 598.665, 598.670, 598.675, 598.680 (amended).
AB 420 (Nevin); 1987 STAT. Ch 796

Existing law regulates business dealings between suppliers¹ and service station operators.² Under Chapter 796, a refiner³ must not

1. See NEV. REV. STAT. § 598.650 3 (amended by 1987 Nev. Stat. ch. 796, sec. 16, at ____) (definition of a supplier).

2. NEV. REV. STAT. §§ 598.655 1-10 (amended by 1987 Nev. Stat. ch. 796, sec. 17, at ____). Suppliers are banned from: (1) interfering with the lawful exercise of the right to free association among service station operators and wholesale purchasers; (2) failing to act in good faith in performing or complying with any term or condition of a franchise agreement or contract with a wholesale purchaser; (3) terminating or cancelling a franchise or wholesale purchaser's contract without good cause; (4) using undue influence to compel a service station operator to surrender a right under a franchise agreement; (5) terminating or threatening to terminate a franchise because the operator failed to comply with a requirement to exclusively sell the supplier's product or goods when such a requirement would violate a United States or Nevada law, regulation, or rule; (6) changing or modifying restrictions on non-petroleum