

## CHAPTER 426 - PERSONS WITH DISABILITIES

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**NOTE:**

Sections 2 to 7, inclusive, of chapter 181, Statutes of Nevada 2009, at p. 655, have been codified as [NRS 427A.121](#) to [427A.1217](#), inclusive.

## GENERAL PROVISIONS

**NRS 426.010 Purposes of chapter.** The purposes of this chapter are:

1. To relieve persons with disabilities from the distress of poverty;
2. To encourage and assist persons with disabilities in their efforts to render themselves more self-supporting; and
3. To enlarge the opportunities of persons with disabilities to obtain education, vocational training and employment.

[1:369:1953]—(NRS A 1963, 316; [1993.2789](#); [2003.2629](#))

**NRS 426.020 Liberal construction.** The provisions of this chapter shall be liberally construed to effect their objects and purposes.  
[3:369:1953]—(NRS A 1963, 316)

**NRS 426.031 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 426.045](#) to [426.099](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1981.1916](#); A [1987.823](#); [1993.1616](#); [1995.1992](#); [2003.2974](#))

**NRS 426.045 “Bureau” defined.** “Bureau” means the Bureau of Services to Persons Who Are Blind or Visually Impaired in the Division.

(Added to NRS by [1981.1916](#); A [1997.1170](#))

**NRS 426.061 “Department” defined.** “Department” means the Department of Employment, Training and Rehabilitation.

(Added to NRS by [1981.1916](#); A [1993.1616](#))

**NRS 426.065 “Director” defined.** “Director” means the Director of the Department.

(Added to NRS by [1981.1916](#))

**NRS 426.068 “Disability” defined.** “Disability” means, with respect to a person:

1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

(Added to NRS by [2003.2973](#))

**NRS 426.071 “Division” defined.** “Division” means the Rehabilitation Division of the Department.

(Added to NRS by [1981.1916](#))

**NRS 426.082 “Person who is blind” defined.** “Person who is blind” means any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

(Added to NRS by [1981.1916](#))—(Substituted in revision for NRS 426.041)

**NRS 426.084 “Person who is deaf” defined.** “Person who is deaf” means any person who, by reason of the loss or impairment of hearing, has an aural disability which limits, contributes to limiting or which, if not corrected, will probably result in limiting the activities or functions of the person.

(Added to NRS by [1981.1916](#); A [2003.2630](#))—(Substituted in revision for NRS 426.055)

**NRS 426.097 “Service animal” defined.** “Service animal” has the meaning ascribed to it in 28 C.F.R. § 36.104 and includes a miniature horse that has been trained to do work or perform tasks for the benefit of a person with a disability.

(Added to NRS by [1995.1992](#); A [1999.2515](#); [2003.2630](#), [2974](#); [2015.270](#))

**NRS 426.099 “Service animal in training” defined.** “Service animal in training” means a dog or a miniature horse that is being trained as a service animal.  
(Added to NRS by [2003, 2973](#); A [2015, 270](#))

## NEVADA COMMISSION ON SERVICES FOR PERSONS WITH DISABILITIES

[NRS 426.355](#) to [426.395](#), inclusive, were moved to [NRS 427A.121](#) to [427A.1217](#), inclusive.

### EXPEDITED SERVICE PERMITS

**NRS 426.401 Definitions.** As used in [NRS 426.401](#) to [426.461](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 426.411](#), [426.421](#) and [426.431](#) have the meanings ascribed to them in those sections.  
(Added to NRS by [1999, 1158](#))

**NRS 426.411 “Department” defined.** “Department” means the Department of Motor Vehicles.  
(Added to NRS by [1999, 1158](#); A [2001, 2610](#))

**NRS 426.421 “Expedited service permit” defined.** “Expedited service permit” means a permit that:  
1. Is issued by the Department pursuant to the provisions of [NRS 426.441](#) to a person with a permanent disability; and  
2. Entitles the person to expedited service pursuant to the provisions of [NRS 426.451](#).  
(Added to NRS by [1999, 1158](#))

**NRS 426.431 “Person with a permanent disability” defined.** “Person with a permanent disability” means a person:  
1. With a disability which limits or impairs the ability to walk, as defined in [NRS 482.3835](#); and  
2. Whose disability has been certified by a licensed physician as irreversible.  
(Added to NRS by [1999, 1158](#))

**NRS 426.441 Application; issuance; requirements; review of eligibility; fee; regulations.**  
1. A person with a permanent disability may apply to the Department for an expedited service permit. The application must:  
(a) Be submitted on a form approved by the Department; and  
(b) Include a statement from a licensed physician certifying that the applicant is a person with a permanent disability.  
2. Upon receipt of a completed application pursuant to subsection 1 and the payment of any required fee, the Department shall issue a permit to the applicant. The permit must:  
(a) Set forth the name and address of the person to whom it is issued;  
(b) Include a colored photograph of the applicant and the international symbol of access which must be white on a blue background;  
(c) Include any other information the Department may require; and  
(d) Be the same size as a driver’s license issued by the Department pursuant to the provisions of [chapter 483](#) of NRS.  
3. A permit is valid for 10 years after the date of issuance.  
4. The Department may:  
(a) At any time review its determination of whether a holder of a permit is eligible for issuance of the permit pursuant to the provisions of this section. If the Department determines that a holder of a permit is not eligible for issuance of the permit, the Department shall notify the person of that fact in writing. Upon receipt of the notice, the holder shall, as soon as practicable, surrender the permit to the Department.  
(b) Charge a fee for the issuance of a permit pursuant to the provisions of this section.  
(c) Adopt regulations necessary to carry out the provisions of [NRS 426.401](#) to [426.461](#), inclusive.  
(Added to NRS by [1999, 1158](#); A [2005, 231](#))

**NRS 426.451 Presentation to officer or employee of state agency; duty of officer or employee to provide expedited services.**  
1. A person to whom an expedited service permit is issued pursuant to the provisions of [NRS 426.441](#), or a person who is assisting him or her, may present the permit to any officer or employee of a state agency who is, at the time the permit is presented, providing any services of the agency to the public. The permit must be presented during the regular business hours of the agency.  
2. Upon presentation of the permit, the officer or employee to whom the permit is presented shall, before serving any other person who is waiting to receive services, serve or otherwise accommodate the person to whom the permit is issued.  
(Added to NRS by [1999, 1159](#))

**NRS 426.461 Unlawful acts.**  
1. It is unlawful for a person, other than a person to whom an expedited service permit is issued pursuant to the provisions of [NRS 426.441](#), to use or attempt to use such a permit to obtain services from a state agency pursuant to the provisions of [NRS 426.451](#).  
2. A person who violates a provision of this subsection is guilty of a misdemeanor.  
(Added to NRS by [1999, 1159](#))

### USE OF SERVICE ANIMALS AND WHITE OR METALLIC CANES

**NRS 426.510 Restrictions on use of service animal and white or metallic cane; duties of pedestrian; penalty.**  
1. Except as otherwise provided in subsections 2, 3 and 4, a person shall not:  
(a) Use a service animal; or  
(b) Carry or use on any street or highway or in any other public place a cane or walking stick which is white or metallic in color, or white tipped with red.  
2. A person who is blind may use a service animal and a cane or walking stick which is white or metallic in color, or white tipped with red.  
3. A person who is deaf may use a service animal.  
4. A person with a disability not described in subsection 2 or 3 may use a service animal.  
5. Any pedestrian who approaches or encounters a person who is blind using a service animal or carrying a cane or walking stick, white or metallic in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person who is blind.  
6. Any person other than a person who is blind who:  
(a) Uses a service animal or carries a cane or walking stick such as is described in this section, contrary to the provisions of this section;  
(b) Fails to heed the approach of a person using a service animal or carrying such a cane as is described by this section;  
(c) Fails to come to a stop upon approaching or coming in contact with a person so using a service animal or so carrying such a cane or walking stick; or  
(d) Fails to take precaution against accident or injury to such a person after coming to a stop as provided for in this section, is guilty of a misdemeanor.

7. This section does not apply to any person who is instructing a person who is blind, person who is deaf or person with any other disability or training a service animal.

[1:58:1939; 1931 NCL § 2323] + [2:58:1939; 1931 NCL § 2323.01] + [3:58:1939; 1931 NCL § 2323.02]—(NRS A [1969.511](#); [1981.670](#), [1916](#); [1987.823](#); [1995.1992](#); [2003.2630](#), [2974](#); [2005.626](#); [2015.270](#), [1673](#))

**NRS 426.515 Failure to use cane or service animal as evidence of contributory negligence in action against common carrier or place of public accommodation.** The failure of a:

1. Person who is blind to carry a white or metallic colored cane or to use a service animal;
2. Person who is deaf to use a service animal; or
3. Person with a disability not described in subsection 1 or 2 to use a service animal,

È does not constitute contributory negligence per se, but may be admissible as evidence of contributory negligence in a personal injury action by that person against a common carrier or any other means of public conveyance or transportation or a place of public accommodation as defined by [NRS 651.050](#) when the injury arises from the person who is blind, person who is deaf or person with any other disability making use of the facilities or services offered by the carrier or place of public accommodation.

(Added to NRS by [1971.807](#); A [1981.1917](#); [1987.824](#); [1995.1993](#); [2003.2631](#); [2005.627](#); [2015.271](#))

## BUREAU OF SERVICES TO PERSONS WHO ARE BLIND OR VISUALLY IMPAIRED

**NRS 426.518 Definitions.** As used in [NRS 426.518](#) to [426.610](#), inclusive, the words and terms defined in [NRS 426.519](#) and [426.520](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2005.112](#))

**NRS 426.519 “Administrator” defined.** “Administrator” means the Administrator of the Division.

(Added to NRS by [2005.112](#))

**NRS 426.520 “Person who is blind” further defined.** “Person who is blind” means a person described in [NRS 426.082](#) and any person who by reason of loss or impairment of eyesight is unable to provide himself or herself with the necessities of life, and who has not sufficient income of his or her own to maintain himself or herself.

(Added to NRS by 1957, 781; A 1959, 148; 1963, 920; [1965.771](#); [1967.1162](#); [1973.1388](#); [1981.1917](#); [2005.114](#))

**NRS 426.531 Administration by Department.** The Department shall administer the provisions of [NRS 426.518](#) to [426.610](#), inclusive, as the sole agency in the State for such purpose.

(Added to NRS by [1973.1388](#))

**NRS 426.550 Administrator as head of Bureau; powers and duties of Bureau.**

1. The Bureau must be headed by the Administrator.
2. The Bureau shall:

(a) Assist persons who are blind in achieving physical and psychological orientation, inform persons who are blind of available services, stimulate and assist persons who are blind in achieving social and economic independence, and do all things which will ameliorate the condition of persons who are blind.

(b) Provide intensive programs of case finding, education, training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering persons who are blind more self-supporting and socially independent.

3. The Bureau may:

(a) Provide for treatment or operations to prevent blindness or restore vision to applicants for or recipients of services to persons who are blind who request and make written application for such treatment or operation; and

(b) Pay for all necessary expenses incurred in connection with the diagnosis and treatment provided under paragraph (a). Necessary expenses must include the costs of guide service, maintenance while the patient is away from his or her home, transportation to the eye physician or hospital and return to his or her home, and the cost of nursing home care when such care is necessary.

(Added to NRS by 1957, 782; A 1959, 148; 1963, 318, 1183; [1965.771](#); [1967.1162](#); [1973.1388](#); [1975.1008](#); [2005.114](#), [627](#))

**NRS 426.555 Administrator to prepare required reports.** Subject to the approval of the Director, the Administrator or a representative designated by the Administrator shall prepare reports for the Federal Government pursuant to the Vocational Rehabilitation Act Amendments of 1965, Title 29 of U.S.C., as amended, any future amendments thereof and the regulations promulgated thereunder.

(Added to NRS by [1967.803](#); A [1973.419](#), [1389](#); [1975.68](#); [2005.114](#))

**NRS 426.560 Regulations.**

1. Subject to the approval of the Department, the Division shall direct the Bureau to make administrative regulations to enforce the provisions of this chapter related to services for persons who are blind, which regulations must not conflict with the provisions of this chapter.

2. The regulations must recognize that the needs and problems of persons who are blind are special to them and may differ materially from the needs and problems of other persons.

(Added to NRS by 1957, 782; A 1963, 319, 1183; [1965.771](#); [1967.1162](#); [1973.1389](#); [1981.1918](#); [2005.628](#))

**NRS 426.563 Costs of administration.** Costs of administration of [NRS 426.518](#) to [426.720](#), inclusive, shall be paid out on claims presented by the Bureau in the same manner as other claims against the State are paid.

(Added to NRS by [1967.1579](#); A [1973.1389](#))

**NRS 426.567 State Grant and Gift Account for Persons Who Are Blind.**

1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Persons Who Are Blind in the Department of Employment, Training and Rehabilitation’s Gift Fund.

2. The State Grant and Gift Account must be used for the purposes specified by the donor or for the purpose of carrying out the provisions of this chapter and other programs or laws administered by the Bureau.

3. All claims must be approved by the Administrator before they are paid.

(Added to NRS by [1967.804](#); A [1973.1390](#); [1979.621](#); [1981.77](#); [1993.1617](#); [2005.114](#))

**NRS 426.570 Employees.**

1. All employees of the Bureau are directly responsible to the Administrator.

2. Such employees must consist of persons skilled in assisting persons who are blind to achieve social and economic independence.

(Added to NRS by 1957, 782; A 1963, 921; [1965.771](#); [1973.1390](#); [2005.115](#))

**NRS 426.573 Disclosure of information concerning applicant for or recipient of services.** Information with respect to any individual applying for or receiving services for persons who are blind shall not be disclosed by the Bureau or any of its employees to any

person, association or body unless such disclosure is related directly to carrying out the provisions of [NRS 426.518](#) to [426.610](#), inclusive, or upon written permission of the applicant or recipient.

(Added to NRS by [1967.805](#); A [1973.1390](#); [2005.628](#))

**NRS 426.575 Payment of allowance for maintenance to trainee in advance.** When a person who is blind who is eligible to receive a maintenance allowance while pursuing a training program administered by the Bureau is accepted for such a training program, the Bureau may in its discretion pay any installment of such maintenance allowance in advance, based upon the amount allowed to the person, and adjust any succeeding payment to reflect actual duration of training during the period for which such advance was made.

(Added to NRS by [1967.876](#); A [1973.1391](#))

**NRS 426.590 Bureau as licensing agency under federal law.** The Bureau is hereby designated as the licensing agency for the purposes of 20 U.S.C. § 107 (a-f), and acts amendatory thereto, and the Bureau is authorized to comply with such requirements as may be necessary to qualify for federal approval and achieve maximum federal participation in the Vending Stand Program under such federal statutes.

(Added to NRS by 1957, 782; A [1965.772](#); [1973.1391](#); [1975.127](#))

**NRS 426.600 Denial of services prohibited; exceptions.** No person who is blind who may benefit from services authorized under [NRS 426.518](#) to [426.610](#), inclusive, may be denied such services except the services for which a determination of economic need is required pursuant to the State Plan for Services to Persons Who Are Blind.

(Added to NRS by 1957, 782; A 1963, 319; [1967.1056](#); [1981.1904](#))

**NRS 426.610 Fair hearing before hearing officer; judicial review.**

1. An applicant for or recipient of services for persons who are blind who is aggrieved by an act, determination or omission of the Bureau is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. A person aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by [chapter 233B](#) of NRS.

(Added to NRS by 1957, 782; A 1959, 148; 1963, 921; [1965.772](#); [1967.1163](#); [1973.1391](#); [1989.1654](#); [2005.628](#))

## ESTABLISHMENT AND OPERATION OF VENDING STANDS ON PUBLIC PROPERTY

**NRS 426.630 Definitions.** As used in [NRS 426.630](#) to [426.720](#), inclusive, unless the context otherwise requires:

1. "Operator" means the individual person who is blind who is responsible for the day-to-day operation of the vending stand.

2. "Public building" or "property" means any building, land or other real property, owned, leased or occupied by any department or agency of the State or any of its political subdivisions except public elementary and secondary schools, the Nevada System of Higher Education, the Nevada State Park System and the Department of Corrections.

3. "Vending stand" means:

(a) Such buildings, shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles or the provision of such services as may be approved by the Bureau and the department or agency having care, custody and control of the building or property in or on which the vending stand is located;

(b) Manual or coin-operated vending machines or similar devices for vending such articles, operated in a particular building, even though no person is physically present on the premises except to service the machines;

(c) A cafeteria or snack bar for the dispensing of foodstuffs and beverages; or

(d) Portable shelters which can be disassembled and reassembled, and the equipment therein, used for the vending of approved articles, foodstuffs or beverages or the provision of approved services.

(Added to NRS by 1959, 169; A 1961, 330; 1963, 921; [1965.772](#); [1967.1163](#); [1969.1448](#); [1973.73](#), [1392](#), [1495](#); [1981.1918](#); [1985.2313](#); [1987.1741](#); [1993.401](#); [2001 Special Session.239](#))

**NRS 426.640 Operation of vending stand on public property and property of State Park System by person who is blind: Purposes; license.** For the purposes of providing persons who are blind with remunerative employment, enlarging the economic opportunities of persons who are blind and stimulating persons who are blind to greater efforts to make themselves self-supporting with independent livelihoods, such persons licensed under the provisions of [NRS 426.630](#) to [426.720](#), inclusive, by the Bureau:

1. Have priority of right to operate vending stands in or on any public buildings or properties where the locations are determined to be suitable, pursuant to the procedure provided in [NRS 426.630](#) to [426.720](#), inclusive.

2. May operate vending stands in or on buildings or properties of the Nevada State Park System, with the approval of the Administrator of the Division of State Parks, on a parity with any other vendor.

(Added to NRS by 1959, 169; A 1963, 922; [1965.773](#); [1973.73](#), [1393](#); [1985.2313](#))

**NRS 426.650 Notice to Bureau by public agency of location of and license, permit and lease for any vending stand.** Each head of the department or agency in charge of the maintenance of public buildings or properties shall:

1. Not later than July 1, 1959, notify the Bureau in writing of any and all existing locations where vending stands are in operation or where vending stands might properly and satisfactorily be operated.

2. Not less than 30 days prior to the reactivation, leasing, re-leasing, licensing or issuance of permit for operation of any vending stand, inform the Bureau of such contemplated action.

3. Inform the Bureau of any locations where such vending stands are planned or might properly and satisfactorily be operated in or about other public buildings or properties as may now or thereafter come under the jurisdiction of the department or agency for maintenance, such information to be given not less than 30 days prior to leasing, re-leasing, licensing or issuance of permit for operation of any vending stand in such public building or on such property.

(Added to NRS by 1959, 170; A 1963, 922; [1965.773](#); [1973.1393](#))

**NRS 426.660 Acquisition, construction, remodeling or improvement of public building: Planning for vending stand.** To effectuate further the purposes of [NRS 426.630](#) to [426.720](#), inclusive, when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties is authorized, consideration must be given to planning and making available suitable space and facilities for vending stands to be operated by persons who are blind. Written notice must be given to the Bureau by the person or agency having charge of the planning and design of any such project:

1. At least once each year in the case of projects proposed for a municipal airport or air navigation facilities owned or operated under the provisions of [chapter 496](#) of NRS or an airport owned or operated by the Reno-Tahoe Airport Authority.

2. Within 30 days after the commencement of the planning and design of the project for all other projects.

(Added to NRS by 1959, 170; A [1973.73](#), [1393](#); [1989.1596](#))

**NRS 426.665 Construction of building by Bureau; approval of Legislature.** If a suitable location is available for a vending stand which requires the construction of a permanent building, the Bureau may construct such building, but only after obtaining approval of the Legislature.

(Added to NRS by 1961, 330; A [1965, 773](#); [1973, 1393](#))

**NRS 426.670 Surveys by Bureau; establishment and licensing of vending stand; training; contracts; regulations; when department or agency may recover cost or expenses.**

1. The Bureau shall:

(a) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by persons who are blind and advise the heads of departments or agencies charged with the maintenance of the buildings or properties of its findings.

(b) With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. Except as otherwise provided in subsection 4, the Bureau may enter into leases, licensing agreements or other contracts or agreements therefor.

(c) Select, train, license and assign qualified persons who are blind to manage or operate vending stands or do both.

(d) Except as otherwise provided in this paragraph, execute contracts or agreements with persons who are blind to manage or operate vending stands or do both. The agreements may concern finances, management, operation and other matters concerning the stands. The Bureau shall not execute a contract or agreement which obligates the Bureau, under any circumstances, to make payments on a loan to a person who is blind.

(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.

(f) Establish and effectuate such regulations as it may deem necessary to ensure the proper and satisfactory operation of vending stands. The regulations must provide a method for setting aside money from the revenues of vending stands and provide for the payment and collection thereof.

2. The Bureau may enter into contracts with vendors for the establishment and operation of vending stands. These contracts must include provisions for the payment of commissions to the Bureau based on revenues from the vending stands. The Bureau may assign the commissions to licensed operators for the maintenance of their incomes.

3. The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending stands.

(b) Penalties for failing to file reports or make payments required by [NRS 426.630](#) to [426.720](#), inclusive, or a regulation adopted pursuant to those sections when they are due.

4. A department or agency that has care, custody and control of a public building or property in or on which a vending stand is established:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

È Any provision in a lease, licensing agreement, contract or other agreement relating to a vending stand established pursuant to this section that conflicts with this subsection is void.

(Added to NRS by 1959, 170; A 1961, 331; 1963, 923; [1965, 774](#); [1973, 74](#), [1394](#); [1975, 199](#); [1983, 298](#); [1993, 103](#); [2013, 827](#))

**NRS 426.675 Business Enterprise Account for Persons Who Are Blind.**

1. The Business Enterprise Account for Persons Who Are Blind is hereby created within the State General Fund and must be managed by the Administrator of the Division.

2. Money received by the Bureau under the provisions of [NRS 426.670](#), except commissions assigned to licensed vending stand operators, must:

(a) Be deposited in the Business Enterprise Account for Persons Who Are Blind.

(b) Except as otherwise provided in subsection 4, remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending stands or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending Stand Program;

and

(3) Other purposes, consistent with [NRS 426.640](#), as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or his or her designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for Persons Who Are Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

4. If the Business Enterprise Account for Persons Who Are Blind is dissolved or the Vending Stand Program is terminated, the Administrator of the Division shall, within 60 days after the dissolution or termination:

(a) Provide an accounting of the money remaining in the Account to all licensed vending stand operators; and

(b) Distribute any money remaining in the Account to each such operator in the same proportion as the money deposited in the Account and attributable to that operator bears to all the money remaining in the Account.

È The Division shall, in consultation with the Nevada Committee of Blind Vendors or its successor organization, adopt regulations to carry out the provisions of this subsection.

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for Persons Who Are Blind.

6. The interest and income earned on the money in the Business Enterprise Account for Persons Who Are Blind, after deducting any applicable charges, must be credited to the Account.

(Added to NRS by 1961, 330; A 1963, 923; [1965, 774](#); [1973, 74](#), [1394](#); [1975, 199](#); [1977, 44](#); [1983, 1585](#); [1989, 1471](#); [1993, 1618](#); [2005, 115](#); [2013, 828](#))

**NRS 426.677 Management of money received from vending facility when operator unavailable or temporarily unable to conduct business.**

1. The Bureau may, in interim periods when a licensee who is blind is not available to operate a vending facility and its continuous operation is required, establish a checking account in a depository bank or credit union qualified to receive deposits of public money pursuant to [chapter 356](#) of NRS. All money received from the vending facility during the interim period must be deposited to the account, and all expenses necessary to maintain the interim operation of the facility must be paid from the account.

2. If the licensee who is blind who operated the facility returns after a temporary disability, the Bureau shall prepare a financial report and close the checking account by making a check in the amount of any balance remaining in the account payable to the licensee.

3. If a licensee who is blind, other than the one who previously operated the facility, is permanently assigned to it, the Bureau shall prepare a financial report and close the checking account by making a check in the amount of any balance remaining in the account payable to the Business Enterprise Account for Persons Who Are Blind.

(Added to NRS by [1979, 330](#); A [1989, 1472](#); [1999, 1495](#))

**NRS 426.680 Review of recommendation of Bureau if agency rejects establishment of vending stand.**

1. If, after a vending stand survey as authorized by [NRS 426.670](#), the head of a department or agency in charge of the maintenance of any public building or property rejects or does not act upon a written recommendation of the Bureau that a vending stand be established or operated for the employment of persons who are blind, the matter must be referred to the Director of the Department of Employment, Training and Rehabilitation for review.

2. After reviewing the recommendation of the Bureau, the Director may refer the matter to the head of the department or agency concerned for further review and disposition.

3. If the Director is not satisfied with the decision of the head of the department or agency concerned, the Director may refer the matter for final decision and disposition to:

- (a) The Governor, in the case of state buildings or properties.
  - (b) The board of county commissioners, in the case of county buildings or properties.
  - (c) The city council or other governing board of the municipality in the case of municipal buildings or properties.
  - (d) The governing board of the political subdivision in the case of buildings or properties of other political subdivisions of this State.
- (Added to NRS by 1959, 170; A 1963, 923; [1965, 774](#); [1967, 1164](#); [1973, 1395](#); [1993, 1618](#))

**NRS 426.685 Establishment of vending stand in privately owned building; when owner of building may recover costs or expenses.**

1. The Bureau may establish vending stands in privately owned buildings, if the building owner in each instance consents and enters into a contract or other agreement approved by the Bureau.

2. The owner of a building in which a vending stand is established pursuant to subsection 1:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

È Any provision in a contract or other agreement relating to a vending stand established pursuant to subsection 1 that conflicts with this subsection is void.

(Added to NRS by [1973, 72](#); A [1973, 1406](#); [2013, 829](#))

**NRS 426.690 Limitation on commodities and articles sold at vending stand.** Vending stands operated under the provisions of [NRS 426.630](#) to [426.720](#), inclusive, shall be used solely for the vending of such commodities and articles as may be approved by the Bureau and by the head of the department or agency in charge of the maintenance of the building or property in or on which such stand is operated.

(Added to NRS by 1959, 171; A 1963, 924; [1965, 775](#); [1973, 1395](#))

**NRS 426.695 Operator of vending stand may keep service animal on premises.** Persons who are blind who operate a vending stand pursuant to the provisions of [NRS 426.630](#) to [426.720](#), inclusive, may keep a service animal with them at all times on the premises where that vending stand is located.

(Added to NRS by [1973, 1496](#); A [1995, 1993](#); [2005, 628](#))

**NRS 426.700 Applicability of laws and ordinances to operator of vending stand.** The operator of each vending stand operated under the provisions of [NRS 426.630](#) to [426.720](#), inclusive, shall be subject to:

1. The provisions of any and all laws and ordinances applying within the territory within which such stand is located, including those requiring a license or permit for the conduct of such business or any particular aspect thereof.

2. The provisions of [chapter 446](#) of NRS.

(Added to NRS by 1959, 171; A 1961, 331)

**NRS 426.710 Management and operation of Vending Stand Program for Persons Who Are Blind by nonprofit corporation or agency as trustee; reimbursement by operators of vending stands.** The Bureau may, in its discretion, utilize appropriate nonprofit corporations organized under the laws of this State, or other agencies, as trustees to provide day-to-day management and operation services for the Vending Stand Program for Persons Who Are Blind. Such corporations or agencies must be reimbursed for their actual and necessary expenses by the operators of the vending stand units which compose the Vending Stand Program in accordance with such rules and regulations as may be adopted by the Bureau and approved by the Department.

(Added to NRS by 1959, 171; A 1963, 924; [1965, 775](#); [1967, 1164](#); [1973, 1395](#); [1993, 1619](#))

**NRS 426.715 Penalty for unlawful sale, solicitation or delivery of certain commodities on public property; exemptions.** Any person who sells, solicits orders for or delivers, in any public building or on any public land, any commodity which a vendor who is blind is authorized by the Bureau to sell is guilty of a misdemeanor except:

1. A person licensed by or under contract to the Bureau;

2. A person who delivers a commodity to a vendor who is blind or for the account of a vendor who is blind;

3. A person who is raising money for the charitable activities of a corporation organized for educational, religious, scientific, charitable or eleemosynary purposes under the provisions of [chapter 82](#) of NRS;

4. Public employees jointly sharing in the cost of coffee or other beverages purchased by them for their own use, if there is no commercial arrangement for the delivery of products and supplies to the building or land;

5. A person who is catering an event inside or otherwise delivering food or beverages to the Legislative Building; or

6. A person who is authorized to conduct such an activity under the terms of a contract, lease or other arrangement with a municipality pursuant to [NRS 496.090](#).

(Added to NRS by [1985, 890](#); A [1987, 768](#); [1991, 1316](#); [2003, 2095](#))

**NRS 426.720 Applicability of provisions to operators of vending stands.**

1. Persons operating vending stands in public buildings or on public properties as defined in [NRS 426.630](#) prior to March 13, 1959, shall not be affected by the provisions of [NRS 426.630](#) to [426.720](#), inclusive, except and only insofar as provided by subsection 2 of [NRS 426.650](#).

2. Any person who is blind who is presently operating a vending stand in or on public buildings or properties who desires to avail himself or herself of the advantages of the Program authorized by [NRS 426.630](#) to [426.720](#), inclusive, shall have the right to do so, and in such instance, the Bureau may negotiate and consummate arrangements for the purchase of such vending stand equipment as it may deem necessary for the satisfactory operation of the vending stand.

(Added to NRS by 1959, 171; A 1963, 924; [1965, 775](#); [1973, 1395](#))

**PERSONAL ASSISTANCE FOR PERSONS WITH SEVERE FUNCTIONAL DISABILITIES**

**NRS 426.721 Definitions.** As used in [NRS 426.721](#) to [426.731](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 426.723](#) to [426.727](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2001.3106](#); A [2009.659](#))

**NRS 426.723 “Minimum essential personal assistance” defined.** “Minimum essential personal assistance” means the assistance of a person with a severe functional disability for 6 hours or less per day in:

1. Eating;
2. Bathing;
3. Toileting;
4. Dressing;
5. Moving about; and
6. Taking care of himself or herself.

(Added to NRS by [2001.3106](#))

**NRS 426.7235 “Nevada Commission on Services for Persons with Disabilities” defined.** “Nevada Commission on Services for Persons with Disabilities” means the Nevada Commission on Services for Persons with Disabilities created by [NRS 427A.1211](#).

(Added to NRS by [2009.655](#))

**NRS 426.724 “Reasonably adequate state funding” defined.** “Reasonably adequate state funding” means the amount of state funding that can reasonably be accommodated within state budgetary limitations, as determined by the Governor and the Legislature for each biennial session of the Legislature.

(Added to NRS by [2001.3106](#))

**NRS 426.725 “Recipient” defined.** “Recipient” means a recipient of minimum essential personal assistance through a state personal assistance program.

(Added to NRS by [2001.3106](#))

**NRS 426.726 “Severe functional disability” defined.** “Severe functional disability” means:

1. Any physical or mental condition pursuant to which a person is unable, without substantial assistance from another person, to eat, bathe and toilet.

2. A traumatic brain injury.

(Added to NRS by [2001.3106](#); A [2007.155](#))

**NRS 426.727 “State personal assistance program” defined.** “State personal assistance program” means a program established pursuant to [NRS 422.396](#), [427A.250](#) or [427A.793](#).

(Added to NRS by [2001.3106](#); A [2003.2631](#); [2009.2377](#))

**NRS 426.728 State personal assistance programs required to make services available.**

1. Each state personal assistance program must make available, within a reasonable period after receiving a request therefor and in accordance with any conditions upon the receipt of federal funding and considering the amount of reasonably adequate state funding, community-based services to provide minimum essential personal assistance to residents of this State with severe functional disabilities who would, with the provision of that assistance, be able to live safely and independently in their communities outside of an institutional setting.

2. The provisions of [NRS 426.721](#) to [426.731](#), inclusive, must not be construed to:

(a) Prevent a person with a severe functional disability from receiving more than 6 hours of minimum essential personal assistance per day from a state personal assistance program if such assistance is available pursuant to the program; or

(b) Prevent a person with a disability other than a severe functional disability from receiving services from a state personal assistance program if such assistance is available pursuant to the program.

(Added to NRS by [2001.3106](#))

**NRS 426.729 Duties of Director of Department of Health and Human Services.** The Director of the Department of Health and Human Services, in consultation with the Nevada Commission on Services for Persons with Disabilities shall:

1. Determine the amount of state funding necessary each biennium to carry out [NRS 426.728](#).

2. Ensure that the amount of funding determined to be necessary pursuant to subsection 1 is included in the budgetary request of the appropriate department or agency for the biennium, and that the budgetary request includes funding for any increase in the number of cases handled by the state personal assistance programs.

3. Establish a program to govern the services provided to carry out [NRS 426.728](#), within the limitations of any conditions upon the receipt of state or federal funding, including:

(a) Minimum standards for the provision of minimum essential personal assistance, including, to the extent authorized by state and federal law, the provision of services in accordance with [NRS 629.091](#);

(b) Minimum qualifications and training requirements for providers of minimum essential personal assistance;

(c) Standards for the financial operation of providers of minimum essential personal assistance;

(d) The development of an individual service plan for the provision of minimum essential personal assistance to each recipient;

(e) Procedures to appeal the denial or modification of an individual service plan for the provision of minimum essential personal assistance and to resolve any disputes regarding the contents of such a plan;

(f) Continuous monitoring of the adequacy and effectiveness of the provision of minimum essential personal assistance to each recipient;

(g) Mandatory requirements and procedures for reporting the abuse, neglect or exploitation of a recipient;

(h) The receipt of meaningful input from recipients, including surveys of recipients, regarding the extent to which recipients are receiving the services described in their individual service plans and their satisfaction with those services; and

(i) Continuing procedures for soliciting public input regarding the development, implementation and review of the program.

4. Review and modify the program established pursuant to subsection 3 as appropriate to provide recipients with as much independence and control over the provision of minimum essential personal assistance as is feasible.

5. Submit to each regular session of the Legislature and make available to members of the public any recommendations for legislation to carry out [NRS 426.728](#) and to carry out or improve the program established pursuant to subsection 3.

(Added to NRS by [2001.3107](#); A [2003.2631](#); [2007.155](#); [2009.659](#))

**NRS 426.731 Subcommittee: Creation; membership; terms of members; quorum; duties.**

1. The Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created.

2. The Nevada Commission on Services for Persons with Disabilities shall:

(a) Solicit recommendations for the appointment of members to the Subcommittee from organizations that are representative of a broad range of persons with disabilities and organizations interested in the provision of personal services to persons with functional disabilities.

(b) Appoint to the Subcommittee such members as the Nevada Commission on Services for Persons with Disabilities deems appropriate to represent a broad range of persons with disabilities from diverse backgrounds, including, without limitation, one or more



persons who are representative of:

- (1) Seniors with disabilities.
  - (2) The Statewide Independent Living Council established in this State pursuant to 29 U.S.C. § 796d.
  - (3) The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.
  - (4) Centers for independent living established in this State.
  - (5) Providers of personal services to persons with disabilities, including providers who receive state funding for that purpose.
  - (6) Persons with disabilities who receive personal assistance services.
3. The majority of the members of the Subcommittee must be persons with disabilities.
  4. After the initial term, the term of each member is 2 years.
  5. Members of the Subcommittee serve without compensation.
  6. A majority of the members of the Subcommittee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Subcommittee.
  7. The Subcommittee shall:
    - (a) At its first meeting and annually thereafter, elect a Chair from among its members.
    - (b) Meet at the call of the Director of the Department of Health and Human Services, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of its members quarterly or as is necessary to carry out the provisions of [NRS 426.728](#).
- (Added to NRS by [2001, 3108](#); A [2003, 2632](#); [2009, 660](#))

## MISCELLANEOUS PROVISIONS

### **NRS 426.740 Refueling of vehicle for driver with physical disability; charging greater price for fuel prohibited; exception; penalty.**

1. Every person who operates a service station or retail store which sells fuel for motor vehicles to the public shall, upon request, refuel a vehicle for a driver with a physical disability.
  2. The price of the fuel charged to such a driver must not be greater than the price which would be charged to any other person for the fuel if that person had personally refueled the vehicle.
  3. This section does not apply to a service station or a retail store which sells fuel if the service station or retail store does not provide a person to refuel the motor vehicles of its customers.
  4. A person who violates any provision of this section is guilty of a misdemeanor.
- (Added to NRS by [1987, 545](#); A [2003, 2633](#))

## PENALTIES

### **NRS 426.790 Unlawfully interfering with or allowing dog or other animal to interfere with use of service animal or service animal in training; unlawfully beating or killing service animal or service animal in training; penalties.**

1. A person shall not:
    - (a) Without legal justification, interfere with, or allow a dog or other animal the person owns, harbors or controls to interfere with, the use of a service animal or service animal in training by obstructing, intimidating or otherwise jeopardizing the safety of the service animal or service animal in training or the person using the service animal or service animal in training.
    - (b) Willfully and maliciously beat a service animal or service animal in training.
    - (c) Willfully and maliciously kill a service animal or service animal in training.
  2. Unless a greater penalty is provided in [NRS 206.150](#), a person who violates:
    - (a) Paragraph (a) of subsection 1 is guilty of a gross misdemeanor.
    - (b) Paragraph (b) of subsection 1 is guilty of a category E felony and shall be punished as provided in [NRS 193.130](#).
    - (c) Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).
  3. A person who violates paragraph (a), (b) or (c) of subsection 1 is, in addition to any criminal penalty that may be imposed, civilly liable to the person against whom the violation was committed as provided in [NRS 426.820](#).
  4. In addition to any other penalty, the court shall order a person convicted of a violation of paragraph (a), (b) or (c) of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the service animal or service animal in training if it was killed or disabled or has become mentally or physically unable to perform its duties. The restitution must cover all costs for aides, assistance, transportation and other hardships incurred during the absence, and until the replacement, of the service animal or service animal in training.
- (Added to NRS by [1981, 1916](#); A [1987, 824](#); [1995, 1993](#); [1999, 2516](#); [2001, 2891](#); [2003, 2975](#); [2005, 628](#))

### **NRS 426.800 Fraudulent acts: Penalty; presumption.**

1. Except as otherwise provided in [NRS 426.461](#), a person who knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation or by impersonation, or other fraudulent device, services to which he or she is not entitled, or services greater than those to which he or she is entitled, with the intent to defeat the purposes of this chapter, is guilty of a gross misdemeanor.
  2. For the purposes of subsection 1, if a recipient of services pursuant to the provisions of this chapter receives an overpayment for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Bureau of a change in his or her circumstances which would affect the amount of services the person receives, a rebuttable presumption arises that the payment was fraudulently received.
- (Added to NRS by [1969, 483](#); A [1973, 1406](#); [1975, 1009](#); [1993, 1619](#); [1999, 1159](#))

### **NRS 426.805 Fraudulent misrepresentation of animal as service animal or service animal in training unlawful; penalty.**

1. It is unlawful for a person to fraudulently misrepresent an animal as a service animal or service animal in training.
  2. A person convicted of fraudulently misrepresenting an animal as a service animal or service animal in training is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.
- (Added to NRS by [2005, 626](#))

### **NRS 426.810 Allowing dog or other animal to injure or kill service animal or service animal in training unlawful; allowing dog or other animal to endanger or injure person accompanied by service animal or service animal in training unlawful; penalties.**

1. It is unlawful for a person to allow a dog or other animal that the person owns, harbors or controls to cause injury to or the death of any service animal or service animal in training, or to endanger or cause injury to a person who has a disability and is accompanied by a service animal or a person who trains service animals and is accompanied by a service animal in training.
2. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:
  - (a) Is guilty of a misdemeanor and shall be punished by a fine of not more than \$500; and
  - (b) In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in [NRS 426.820](#).

3. In addition to any other penalty, the court shall order a person convicted of a violation of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the service animal or service animal in training if it was killed or disabled or has become mentally or physically unable to perform its duties. The restitution must cover all costs for aides, assistance, transportation and other hardships incurred during the absence, and until the replacement, of the service animal or service animal in training.

(Added to NRS by [2003, 2973](#); A [2005, 629](#))

**NRS 426.820 Civil liability for engaging in certain prohibited acts concerning service animals or service animals in training.**

1. In addition to any criminal penalty that may be imposed, any person, including, without limitation, any firm, association or corporation, who violates the provisions of paragraph (a), (b) or (c) of subsection 1 of [NRS 426.790](#) or subsection 1 of [NRS 426.810](#) is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than \$750; and

(c) Reasonable attorney's fees as determined by the court.

2. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.

(Added to NRS by [2003, 2973](#); A [2005, 629](#))