



# Office of the Governor

JIM GIBBONS  
GOVERNOR

May 29, 2009

The Honorable Barbara Buckley  
Speaker of the Assembly  
Legislative Building  
401 South Carson Street  
Carson City, NV 89701

**RE: Assembly Bill 22 of the 75<sup>th</sup> Legislative Session**

Dear Speaker Buckley,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 22, which is entitled:

AN ACT relating to trade practices; providing that certain persons may bring a civil action for various deceptive trade practices or other violations; providing that various actions related to certain persons with an inability to reasonably protect their rights or interests constitute a deceptive trade practice; allowing equitable relief for certain actions related to consumer fraud; revising provisions governing the State's system for the registration and protection of trademarks, trade names and service marks; making various changes regarding administration of the system by the Secretary of State; authorizing the Secretary of State to prescribe certain fees; prohibiting certain misleading and deceptive practices; providing remedies and penalties; and providing other matters properly relating thereto.

Assembly Bill 22 relates to deceptive trade practices. Although protecting consumers is a noble goal, this bill fundamentally alters the existing laws pertaining to deceptive trade practices in Nevada. For example, Assembly Bill 22 creates a private right of action for deceptive trade practices but shifts the traditional burden of proof in civil litigation. This would require the entity accused of a deceptive trade practice to prove their innocence, rather than requiring the accusing party to prove their case. Such a shift sets a dangerous precedent by altering the time-honored tradition of requiring a plaintiff to establish wrongdoing.

The Honorable Barbara Buckley

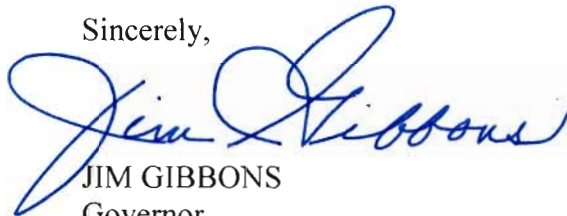
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Additionally, this shift will dramatically increase the cost and frequency of litigation, particularly to defendants subject to these types of cases.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 22.

Sincerely,



JIM GIBBONS  
Governor

Enclosure

Cc: The Honorable Steven Horsford, Senate Majority Leader (without enclosure)  
The Honorable Ross Miller, Secretary of State (without enclosure)  
Susan Furlong Reil, Chief Clerk of the Assembly (without enclosure)  
Claire J. Clift, Secretary of the Senate (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)