LCB File No. R139-08

PROPOSED REGULATION OF THE COMMISSIONER OF FINANCIAL INSTITUTIONS

Explanation: Material in ***bold italics*** is new material; material lined out within **~~[bold brackets]~~** is material to be omitted.

Purpose: To adopt regulations under chapter 676 of the Nevada Administrative Code relating to debt adjusters by establishing the amount of certain fees; providing for certain definitions and policies; and providing other matters properly relating thereto.

General Authority: NRS 676.130, 676.160.

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Sec. 1. Chapter 676 of the NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 6, inclusive, of this regulation.

Sec. 2. NAC 676.010 is hereby amended as follows:

NAC 676.010 Fee for supervision and related activities: Amount; collection; failure to pay. **(**NRS 658.101**)**

1. The Commissioner of Financial Institutions will charge and collect a fee of **~~[$50]~~** ***$100*** per hour from each debt adjusting company for any supervision, examination, audit, investigation or hearing conducted pursuant to chapter 676 of NRS.

2. The Commissioner will bill each debt adjusting company upon the completion of the activity for the fee established in subsection 1. The fee must be paid within 30 days after the date the bill is received. Except as otherwise provided in this subsection, any payment received after

that date must include a penalty of 10 percent of the fee plus an additional 1 percent of the fee for each month, or portion of a month, that the fee is not paid. The Commissioner may waive the penalty for good cause.

3. Failure of a debt adjusting company to pay the fee required in subsection 1 as provided in this section constitutes grounds for revocation of its license.

Sec. 3. NAC 676.030 is hereby amended as follows:

NAC 676.030 Fees: Application for license. **(**NRS 676.130**)** An application submitted pursuant to NRS 676.120 must be accompanied by:

1. A nonrefundable fee of **[~~$375~~]** ***$500***; and
2. A fee of **[~~$300~~]** ***$400***, prorated by the Commissioner of Financial Institutions.

Sec. 4. NAC 676.040 is hereby amended as follows:

NAC 676.040 Fees: Renewal of license; reinstatement of expired license. **(**NRS 676.160**)**

1. A licensee shall pay annually to the Division of Financial Institutions of the Department of Business and Industry a fee of $400 for the renewal of his license.

2. If the Commissioner of Financial Institutions reinstates an expired license, the licensee shall pay a reinstatement fee of **[~~$300~~]** ***$400*** in addition to the renewal fee prescribed in subsection 1.

Sec. 5. ***Denial of application for renewal. (NRS 676.290; 676.270) The Commissioner may refuse to renew a license if a licensee violates any provision of this chapter or chapter 676 of NRS, including, without limitation, a provision that imposes a fee or assessment on the holder of a license.***

Sec. 6. ***Confidentiality of Financial Records, Applications and Examinations. (NRS 676.270, 659.105)***

The application and financial records submitted by a person pursuant to the provision of this chapter, any financial records or other documents submitted by a licensee pursuant to an audit or examination conducted by the Division and any report of examination by the Division are confidential and may be disclosed only to:

1. The Division;

2. An authorized employee of the Division who needs the records for purposes relating to the administration of this chapter; or

3. A person or governmental entity that is authorized to obtain the records pursuant to an order issued by a court of competent jurisdiction.