

**PROPOSED REGULATION OF THE  
COMMISSIONER OF FINANCIAL INSTITUTIONS**

**LCB File No. R139-08**

October 20, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-4, 6, 8 and 9, NRS 676.130; §5, NRS 676.270; §7, NRS 658.101 and 676.130; §10, NRS 676.160; §11, NRS 676.290.

A REGULATION relating to debt adjusting; requiring certain information maintained by the Division of Financial Institutions of the Department of Business and Industry to be confidential; increasing certain fees; and providing other matters properly relating thereto.

**Section 1.** Chapter 676 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 676.005 and sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Commissioner” means the Commissioner of Financial Institutions.*

**Sec. 4.** *“Division” means the Division of Financial Institutions of the Department of Business and Industry.*

**Sec. 5.** *An application for a license and financial records, if any, submitted by an applicant pursuant to the provisions of this chapter and chapter 676 of NRS, financial records or other documents submitted by a licensee pursuant to an audit or examination conducted by the Division and any report of examination made by the Division are confidential and may be disclosed only to:*

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

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

**Sec. 6.** NAC 676.005 is hereby amended to read as follows:

676.005 ~~{As used in this chapter, unless the context otherwise requires, “licensee”}~~

*“Licensee”* means any person, firm, company or corporation who is licensed under this chapter and chapter 676 of NRS.

**Sec. 7.** NAC 676.010 is hereby amended to read as follows:

676.010 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. 8.** NAC 676.020 is hereby amended to read as follows:

676.020 1. Except as otherwise provided in NAC 658.030, each person licensed to engage in the business of debt adjusting shall pay to the Division ~~{of Financial Institutions of the~~

~~Department of Business and Industry~~ an annual assessment of \$300 to cover the costs related to the employment of a certified public accountant and the performance of audits and examinations conducted by the Division.

2. The Division will bill each licensee for the assessment. The assessment must be paid within 30 days after the date the bill is received.

3. A charge of 10 percent of the assessment will be imposed on any licensee whose assessment is received by the Division after the date on which the assessment is due.

**Sec. 9.** NAC 676.030 is hereby amended to read as follows:

676.030 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. 10.** NAC 676.040 is hereby amended to read as follows:

676.040 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. 11.** NAC 676.060 is hereby amended to read as follows:

676.060 The Commissioner ~~[of Financial Institutions]~~ may *deny*, suspend or revoke a license in accordance with NRS 676.270 to 676.310, inclusive, 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 a licensee.