

**PROPOSED REGULATION OF THE REAL ESTATE DIVISION
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R011-04

February 5, 2004

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

AUTHORITY: §§1, 2, 5 and 6, NRS 119A.190; §§3 and 4, NRS 119A.190 and 119A.360.

Section 1. Chapter 119A of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *If a person submits a check or draft to the Division to obtain a license, permit, certificate, registration, approval, accreditation or other type of authorization to engage in an activity for which authorization is required pursuant to this chapter or chapter 119A of NRS, and the check or draft is returned to the Division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft:*

(a) The license, permit, certificate, registration, approval, accreditation or other type of authorization obtained by the person from the Division is automatically invalidated; or

(b) If the person has not obtained the license, permit, certificate, registration, approval, accreditation or other type of authorization from the Division, the Division may refuse to issue or reinstate the authorization.

2. *In accordance with NRS 353C.115 and section 1 of LCB File No. R121-03, which was adopted by the State Controller pursuant thereto and filed with the Secretary of State on February 4, 2004, the Division will charge a person, for each check or draft returned to the*

Division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft, a fee of \$25 or such other amount as may subsequently be required by NRS 353C.115 and section 1 of LCB File No. R121-03.

Sec. 3. 1. *The Division will charge and collect, from each person who applies for a license as a sales agent, a fee for any investigation of the person's background undertaken pursuant to NRS 119A.210.*

2. The fee will not exceed the actual cost to conduct the investigation.

Sec. 4. 1. *An applicant for a license as a sales agent must, not earlier than 1 year before he submits his application to the Division, take and pass an examination administered by the Division.*

2. An applicant must pay a fee of \$100 each time he takes the examination.

Sec. 5. NAC 119A.085 is hereby amended to read as follows:

119A.085 The Division will deny any application for a license if:

1. The application is not in proper form;
2. The proper fees are not enclosed;
3. The accompanying forms are incomplete or otherwise unsatisfactory;
4. The application contains a false statement;
5. The application is otherwise deficient;
6. The applicant has been convicted of, or pleaded guilty or nolo contendere to, a felony or a misdemeanor involving moral turpitude, dishonesty or untrustworthiness, or has aided and abetted another to act or attempt to act in violation of chapter 119, 119A, 645 or 645A of NRS or the regulations adopted pursuant to those chapters;

7. The application fails to meet the requirements of NRS 119A.210;
 8. An investigation fails to show affirmatively that the applicant possesses the necessary qualifications;
 9. The applicant has willfully acted or attempted to act in violation of chapter 119, 119A, 645 or 645A of NRS or the regulations adopted pursuant to those chapters, or has aided and abetted another to act or attempt to act in violation of those statutes or regulations;
 10. The applicant has had a license suspended or revoked in another state; *or*
 11. ~~[The check to the Division for payment of the fee is dishonored; or~~
 - ~~—12.]~~ The applicant holds a valid license issued pursuant to chapter 645 of NRS.
- Sec. 6.** NAC 119A.145 is hereby repealed.

TEXT OF REPEALED SECTION

119A.145 Dishonored checks. The Administrator will deny, decline to reinstate, revoke or suspend a license if the licensee delivers a check to the Administrator which is not honored by the financial institution upon which it is drawn.