

**ADOPTED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R068-07

Effective January 30, 2008

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

AUTHORITY: §1, NRS 679B.130 and 679B.228.

A REGULATION relating to insurance; increasing the amount of the fee for a check or other method of payment returned to the Division of Insurance of the Department of Business and Industry or otherwise dishonored in accordance with NRS 353C.115; and providing other matters properly relating thereto.

Section 1. NAC 679B.0395 is hereby amended to read as follows:

679B.0395 ~~[The Division will]~~ *In accordance with NRS 353C.115 and NAC 353C.400, the Division shall* charge any person whose check *or other method of payment* is returned to the Division *or otherwise dishonored* because the person had insufficient money or credit with the drawee *or financial institution* to pay the check *or other method of payment* or because the person stopped payment on the check *or other method of payment* a fee of ~~[\$15.]~~ *\$25 or such other amount as may subsequently be required by NRS 353C.115 and NAC 353C.400.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R068-07**

The Commissioner of Insurance adopted regulations assigned LCB File No. R068-07 which pertain to chapter 679B of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

A workshop was held on September 18, 2007, followed by a hearing held on September 19, 2007, at the offices of the Department of Business and Industry, Division of Insurance (“Division”), 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, with a simultaneous video-conference of both the workshop and the hearing conducted at the Bradley Building, 2501 E. Sahara Avenue, Real Estate Division Conference Room, 2nd Floor, Las Vegas, Nevada 89104. The workshop and hearing concerned the updating of the fee for returned checks. Deputy Commissioner Pamela Mackay was the Hearing Officer for the September 18, 2007, workshop.

Public comment was solicited by posting notice of the hearing in the following public locations: the Division’s Carson City and Las Vegas offices, Carson City Courthouse, Office of the Attorney General, the Donald W. Reynolds Press Center, Capitol Building Lobby, Capitol Building Press Room, Blasdel Building, Legislative Counsel Bureau, Nevada State Library, Carson City Library, Churchill County Library, Clark County District Library, Douglas County Library, Elko County Library, Esmeralda County Library, Eureka Branch Library, Humboldt County Library, Lander County Library, Lincoln County Library, Lyon County Library, Mineral County Library, Pershing County Library, Storey County Library, Tonopah Public Library, Washoe County Library, and White Pine County Library.

The Division maintains a general list of interested parties, comprised mainly of insurance companies, agencies and other persons regulated by the Division. These persons were also notified of the hearing and that copies of the regulation could be obtained from or examined at the offices of the Division in Carson City.

The hearing was attended by two interested parties in Carson City and one interested party in Las Vegas. There were no written comments received. Joy Miller, Chief of the Division Licensing Section, provided testimony regarding the purpose of the proposed regulation.

Ms. Miller testified that the purpose of the regulation is to cure a conflict in the fee for returned checks currently set forth in Nevada Administrative Code (“NAC”) 679B.0395 (adopted in 2000) as \$15, to correspond to the fee of \$25 currently set forth in Nevada Revised Statute (“NRS”) 353C.115, which was adopted in 2003. The amendments to NAC 679B.0395 also provide for more clear references to NRS 353C.115 and NAC 353C.400.

The Commissioner has issued an order adopting the proposed regulation, LCB File No. R068-07, as a permanent regulation of the Division.

The Division anticipates no additional expenses to enforce this proposed regulation. The Division is not aware of any overlap or duplication of the regulation with any state, local, or federal regulation, nor does the regulation have any meaningful impact on small businesses in Nevada.