

**ADOPTED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R163-08

Effective September 18, 2008

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

AUTHORITY: §1, NRS 679B.130 and 683A.251.

A REGULATION relating to insurance; modifying the agency that conducts searches of criminal history for applicants for a license as a resident producer of insurance; and providing other matters properly relating thereto.

Section 1. NAC 683A.272 is hereby amended to read as follows:

683A.272 1. An applicant for a license as a resident producer of insurance must:

(a) Submit with his application:

(1) Two complete sets of fingerprints which the Commissioner may forward to the

~~[Nevada Highway Patrol Division of the Department of Public Safety]~~ *Central Repository for Nevada Records of Criminal History* for a search concerning him:

(I) Conducted by the Federal Bureau of Investigation in its national criminal records;

and

(II) Of the Central Repository for Nevada Records of Criminal History; and

(2) A cashier's check or money order made payable to the ~~[Nevada Highway Patrol]~~ *Central Repository for Nevada Records of Criminal History* for the applicable fees established by the ~~[Nevada Highway Patrol]~~ *Records and Technology* Division of the Department of Public Safety.

(b) Comply with the procedures for obtaining the information required in this subsection that are established by the ~~[Nevada Highway Patrol]~~ *Records and Technology* Division of the Department of Public Safety *and the Central Repository for Nevada Records of Criminal History* in NRS 179A.075 to 179A.160, inclusive.

2. The Commissioner may issue a license as a resident producer of insurance before the criminal background search of the applicant conducted pursuant to subsection 1 is completed if the applicant:

- (a) Indicates and certifies on his application for a license that he has no criminal history; and
- (b) Has complied with the procedures required pursuant to subsection 1.

3. The Commissioner may contract with a person outside the Division to process the fingerprints submitted pursuant to subsection 1 so that the fingerprints may be electronically transmitted to the ~~[Nevada Highway Patrol Division of the Department of Public Safety]~~ *Central Repository for Nevada Records of Criminal History* or another law enforcement agency.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R163-08

The Commissioner of Insurance adopted regulations assigned LCB File No. R163-08 which pertain to chapter 683A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

A workshop was held on August 12, 2008, and a hearing was held on August 18, 2008, 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 conducted at the Bradley Building, 2501 E. Sahara Avenue, Real Estate Division Conference Room, 2nd Floor, Las Vegas, Nevada 89104, regarding the adoption of the regulation concerning records of criminal history.

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.

Additionally, 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 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 workshop was attended by one interested party in Las Vegas. The hearing was attended by one interested party in Carson City. There were no written comments received. Elizabeth Saenz, representing the Division, provided testimony regarding the purpose of the proposed regulation.

Ms. Saenz testified that the proposed regulation up-dates the current references to the Nevada Highway Patrol Division of the Department of Public Safety to new references to the Records and Technology Division of the Department of Public Safety and Central repository. These up-dates conform to changes associated with the creation of the latter by Senate Bill 38 in 2007.

The Commissioner has issued an order adopting the proposed regulation, LCB File No. R163-08, as a permanent regulation of the Division.

The economic impact of the regulation is as follows:

- (a) On the business it is to regulate: The proposed regulation should not have any impact on the business it is to regulate.
- (b) On Small Business: The proposed regulation should not have any impact upon small business.
- (c) On the public: The proposed regulation will not affect the public.

The Division anticipates a nominal expense to enforce the proposed regulation. The Division is not aware of any overlap or duplication of the regulation with any state, local or federal regulation.