

**PROPOSED REGULATION OF THE  
COMMISSIONER OF INSURANCE**

**LCB File No. R026-17**

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

AUTHORITY: NRS 679B.130; AB455 (2017).

A REGULATION relating to cancellation and renewal of insurance policies.

**Section 1.** NAC 679B.0409 is hereby amended to read as follows:

**NAC 679B.0409 Transactions by electronic means.**

1. Except as otherwise provided in NRS 691D.330 and NAC 691D.300, an insurer shall not conduct a transaction by electronic means, including, without limitation, transactions involving claims, electronic signatures, electronic payments or other insurance-related records in electronic form, unless each person who is a party to the transaction agrees to conduct the transaction by electronic means.

2. If a person who is a party to a transaction agrees to conduct the transaction by electronic means, the insurer shall document the agreement, including, without limitation:

- (a) The name of the person agreeing to conduct the transaction by electronic means;
- (b) The type of transaction that the person has agreed to conduct by electronic means; and
- (c) The date and time of the agreement.

3. A person who agrees to conduct a transaction by electronic means may limit the types of transactions which he or she agrees to conduct by electronic means.

4. If an insurer is required to retain a record, the insurer may retain the record electronically if the insurer is able accurately to reproduce the record upon the request of a person who is entitled to a copy of the record, including, without limitation, an insured, a claimant and the Commissioner.

5. ~~Except as otherwise provided in NRS 691D.330 and NAC 691D.300, an insurer shall not provide a notice which terminates a policy of insurance, including, without limitation, a notice of cancellation or nonrenewal, solely by electronic means.~~ *If a notice to an insured required pursuant to NRS 687B.310 to 687B.420, inclusive, is delivered by electronic means, the insurer shall obtain a verification or acknowledgement of receipt of the notice by the insured in one of the following ways:*

*(a) The insured acknowledges receipt by executing an electronic signature;*

*(b) The record is posted on the insurer's secure Internet website, and there is evidence demonstrating that the insured logged on to the website and downloaded, printed, or otherwise acknowledged receipt of the notice; or*

*(c) The notice is transmitted to the insured through an application on a personal electronic device that is secured by a password, biometric identifier, or other technology, and there is evidence demonstrating that the insured logged in to the application and viewed or otherwise acknowledged receipt of the record.*

*If the insurer does not receive verification or acknowledgment of receipt within 3 days after delivery by electronic means, the notice must be personally delivered or mailed to the insured in accordance with subsection 6 of NRS 687B.310.*