

**PROPOSED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R093-17

October 11, 2017

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

AUTHORITY: §1, NRS 679B.130, 679B.136 and 690C.300.

A REGULATION relating to service contracts; requiring a provider of a service contract to file a service contract with the Commissioner of Insurance and pay certain fees by using certain electronic means; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Commissioner of Insurance to adopt reasonable regulations for the administration of the Nevada Insurance Code or as required to ensure compliance by the Commissioner with any federal law or regulation relating to insurance. (NRS 679B.130) Existing law additionally authorizes the Commissioner to adopt such regulations as are necessary to carry out the provisions governing service contracts. (NRS 690C.300) Existing law further requires the Commissioner to adopt regulations governing the electronic filing of forms and payment of fees with the Division of Insurance of the Department of Business and Industry. (NRS 679B.136)

Existing regulations prohibit a provider from issuing, selling or offering for sale a service contract unless the service contract has been approved by the Commissioner. (NAC 690C.100) Under existing regulations, a provider is a person who is obligated to a certain other person by the terms of a service contract to repair, replace or perform maintenance on, or to indemnify the person for the costs of repairing, replacing or performing maintenance on, goods. (NAC 690C.030) This regulation requires a provider to not issue, sell or offer for sale a service contract in this State unless the service contract has been: (1) filed with the Commissioner through the System for Electronic Rate and Form Filing that has been developed and implemented by the National Association of Insurance Commissioners; and (2) approved by the Commissioner.

Existing regulations require a provider who files a service contract with the Commissioner for approval to also file with the service contract: (1) all documents that are part of the application for the service contract; (2) all documents that are part of the service contract; (3) a form for assessing fees; and (4) the appropriate fee amount, as determined by the Commissioner. (NAC 690C.100) This regulation removes the requirement to file with the service contract a form for assessing fees.

Existing law requires a provider to pay a fee of \$25 for each type of service contract the provider files with the Commissioner. (NRS 690C.160) This regulation requires the provider to

pay the fee of \$25 and certain other fees by using the Electronic Funds Transfer function within the System for Electronic Rate and Form Filing.

Section 1. NAC 690C.100 is hereby amended to read as follows:

690C.100 1. A provider shall not issue, sell or offer for sale a service contract *in this State* unless ~~it~~ *the service contract* has been ~~approved~~ :

(a) *Filed with the Commissioner in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners or its successor organization; and*

(b) *Approved* by the Commissioner.

2. A provider who ~~submits~~ *files* a service contract ~~to~~ *with* the Commissioner for approval *pursuant to subsection 1* must ~~submit~~ *also file* with the *service* contract:

(a) All documents that are part of the application for the service contract;

(b) All documents that are part of the *service* contract; *and*

(c) ~~A form for assessing fees as described in NAC 680B.010; and~~

~~—(d)~~ The appropriate fee described in subsection 3.

3. The ~~Commissioner will charge the~~ *provider must pay the* following fees ~~it~~ *by using the Electronic Funds Transfer function within the System for Electronic Rate and Form Filing:*

(a) Twenty-five dollars for:

(1) The initial filing of all the forms that comprise a new service contract.

(2) The filing of a service contract that modifies a service contract which has been approved by the Commissioner pursuant to this section.

(b) Ten dollars for the filing of a rider or endorsement to a service contract that has been approved by the Commissioner pursuant to this section.

4. The Commissioner may approve or disapprove a service contract ~~submitted~~ *filed* pursuant to this section within 60 days after the date on which the Commissioner determines that the provider has fully complied with the requirements of subsection 2. If the Commissioner does not approve or disapprove the *service* contract within the 60 days described in this subsection, the *service* contract shall be deemed to be approved by the Commissioner. Each service contract shall be deemed to be complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the service contract is filed with him or her, determines that the proposal is incomplete because the proposal does not comply with subsection 2.