

**APPROVED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R102-22

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

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

A REGULATION relating to service contracts; revising the manner in which a provider of certain service contracts is to provide a status report to the Commissioner of Insurance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Commissioner of Insurance to adopt regulations as necessary to carry out provisions governing service contracts. (NRS 679B.130, 690C.300) Existing law defines the term “service contract” to mean a contract pursuant to which a provider is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder of the service contract for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear. (NRS 690C.080) Existing regulations require that if a service contract relates to the health and safety of the holder and if the provider of the service contract determines that repairs cannot be completed within 3 days after the report of the claim, the provider must submit to the Commissioner by electronic mail a status report not later than 3 days after the report of the claim. (NAC 690C.110) This regulation removes the requirement that the status report be submitted to the Commissioner by electronic mail and instead requires that the status report be submitted to the Commissioner using the electronic means specified by the Commissioner, which could be a means other than electronic mail.

Section 1. NAC 690C.110 is hereby amended to read as follows:

690C.110 1. A service contract must clearly state the procedures for making a claim on the contract, including, without limitation:

(a) A toll-free telephone number for claim service.

(b) Procedures for obtaining prior approval of work if such approval is required by the contract.

(c) If the service contract relates to goods that are essential to the health and safety of the holder and the repair of such goods is covered under the terms and conditions of the service contract, procedures for obtaining emergency service on such goods outside of normal business hours, including, without limitation, a statement which provides that if the emergency involves the loss of heating or cooling, loss of plumbing or substantial loss of electrical service and the emergency renders a dwelling unfit for a person to live in because of defects that immediately endanger the health and safety of the occupants of the dwelling:

(1) Repairs will commence within 24 hours after the report of the claim and will be completed as soon as reasonably practicable thereafter; and

(2) If the provider determines that repairs cannot practicably be completed within 3 calendar days after the report of the claim, the provider will provide a status report to the holder and to the Commissioner as described in subsection 2.

(d) A statement that if the holder is not satisfied with the manner in which the provider is handling the claim on the contract, the holder may contact the Commissioner by use of the toll-free telephone number of the Division. The statement must include the current toll-free telephone number of the Division which can be obtained from the Internet website of the Division.

2. A status report must:

(a) Be provided to the holder by verifiable means not later than 3 calendar days after the report of the claim;

(b) Be provided to the Commissioner ~~by electronic mail~~ *using the electronic means prescribed by the Commissioner* not later than 3 calendar days after the report of the claim; and

(c) Include, without limitation:

(1) A list of the required repairs or services;

(2) The primary reason causing the required repairs or services to extend beyond the 3-day period set forth in subparagraph (2) of paragraph (c) of subsection 1, including, without limitation, the status of any parts required for the repairs or services;

(3) The current estimated time to complete the repairs or services; and

(4) Contact information for the holder and the Commissioner to make additional inquiries concerning any aspect of the claim and a commitment by the provider to respond to such inquiries not later than 1 business day after such an inquiry is made.

3. If any preexisting conditions are excluded from coverage, the service contract must state the basis upon which service may be denied for such preexisting conditions.

4. As used in this section, “verifiable means” includes, without limitation, communication given by:

(a) Facsimile transmission;

(b) Electronic mail;

(c) Telephone, if there is an auditable record of the communication by telephone; or

(d) Any similar mode of communication that is appropriate given the course of dealing between the provider and the holder.