

EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 515—ASSEMBLYMEN FRIERSON AND SWANK

MAY 25, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing deferred deposit loans, title loans and high-interest loans. (BDR 52-1227)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to financial services; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans, title loans and high-interest loans made to customers in this State; providing that information in such a database is confidential under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes standards and procedures for the licensing and  
2 regulation of certain short-term loans, commonly referred to as “payday loans,”  
3 high-interest loans and title loans. (Chapter 604A of NRS)  
4 **Section 1** of this bill requires the Commissioner of Financial Institutions to  
5 develop, implement and maintain, by contract with a vendor or service provider or  
6 otherwise, a database of all deferred deposit loans, title loans and high-interest  
7 loans in this State. Under **section 1**, a licensee who makes such loans must enter  
8 and update certain information concerning each deferred deposit loan, title loan and  
9 high-interest loan made by the licensee. **Section 1** further requires the  
10 Commissioner to establish a fee which must be charged and collected by the vendor  
11 or service provider from a licensee who is required to enter information into  
12 the database. The fee must be used to pay for the administration and operation of  
13 the database. Finally, **sections 1 and 2** of this bill provide that information in the  
14 database or obtained by the Commissioner from the database is confidential, except  
15 that the Commissioner may use such information for statistical purposes if the  
16 identity of a person is not discernible from the information disclosed.



\* A B 5 1 5 R 1 \*

17 **Section 3** of this bill provides that the provisions of this bill do not apply to any  
18 loan made before October 1, 2017.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 604A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3 *1. The Commissioner shall, by contract with a vendor or*  
4 *service provider or otherwise, develop, implement and maintain a*  
5 *database by which the Commissioner may generate a report*  
6 *related to deferred deposit loans, title loans and high-interest loans*  
7 *made by licensees to customers in this State which includes,*  
8 *without limitation:*

9 *(a) Whether a customer has a deferred deposit loan, title loan*  
10 *or high-interest loan outstanding with more than one licensee;*

11 *(b) Whether a customer has had such a loan outstanding with*  
12 *one or more licensees within the 30 days immediately preceding*  
13 *the making of a loan;*

14 *(c) Whether a customer has had a total of three or more such*  
15 *loans outstanding with one or more licensees within the 6 months*  
16 *immediately preceding the making of the loan; and*

17 *(d) Any other information necessary to determine compliance*  
18 *with the provisions of this chapter.*

19 *2. After the development and implementation of the database*  
20 *created pursuant to subsection 1, a licensee who makes a deferred*  
21 *deposit loan, title loan or high-interest loan shall enter or update*  
22 *the following information in the database for each such loan made*  
23 *to a customer at the time a transaction takes place:*

24 *(a) The date on which the loan was made;*

25 *(b) The type of loan made;*

26 *(c) The principal amount of the loan;*

27 *(d) The fees charged for the loan;*

28 *(e) The annual percentage rate of the loan;*

29 *(f) The total finance charge associated with the loan;*

30 *(g) If the customer defaults on the loan, the date of default;*

31 *(h) If the customer enters into a repayment plan pursuant to*  
32 *NRS 604A.475, the date on which the customer enters into the*  
33 *repayment plan; and*

34 *(i) The date on which the customer pays the loan in full.*

35 *3. The Commissioner shall establish, and cause the vendor or*  
36 *service provider administering the database created pursuant to*  
37 *subsection 1 to charge and collect, a fee for each loan entered into*  
38 *the database by the licensee. The money collected pursuant to this*



\* A B 5 1 5 R 1 \*

1 subsection must be used to pay for the operation and  
2 administration of the database.

3 4. Except as otherwise provided in this subsection, any  
4 information in the database created pursuant to subsection 1 is  
5 confidential and shall not be considered a public book or record  
6 pursuant to NRS 239.010. The information may be used by the  
7 Commissioner for statistical purposes if the identity of the persons  
8 is not discernible from the information disclosed.

9 5. The Commissioner shall adopt regulations that:

10 (a) Prescribe the specifications for the information entered  
11 into the database created pursuant to subsection 1;

12 (b) Establish standards for the retention, access, reporting,  
13 archiving and deletion of information entered into or stored by the  
14 database;

15 (c) Establish the amount of the fee required pursuant to  
16 subsection 3; and

17 (d) Are necessary for the administration of the database.

18 6. For the purposes of this section, the term "high-interest  
19 loan" does not include a high-interest loan made to a customer if  
20 the licensee:

21 (a) Makes the high-interest loan pursuant to a loan agreement  
22 which, under its original terms:

23 (1) Charges an annual percentage rate of less than 200  
24 percent;

25 (2) Requires the customer to make a payment on the loan at  
26 least once every 30 days;

27 (3) Requires the loan to be paid in full in not less than 150  
28 days; and

29 (4) Provides that interest does not accrue on the loan at the  
30 annual percentage rate set forth in the loan agreement after the  
31 date of maturity of the loan;

32 (b) Performs a credit check of the customer with a major  
33 consumer reporting agency before making the loan;

34 (c) Reports information relating to the loan experience of the  
35 customer to a major consumer reporting agency;

36 (d) Gives the customer the right to rescind the new high-  
37 interest loan within 5 days after the loan is made without charging  
38 the customer any fee for rescinding the loan;

39 (e) Participates in good faith with a counseling agency that is:

40 (1) Accredited by the Council on Accreditation, or its  
41 successor organization; and

42 (2) A member of the National Foundation for Credit  
43 Counseling, or its successor organization; and



1 *(f) Does not commence any civil action or process of*  
2 *alternative dispute resolution on a defaulted loan or any extension*  
3 *or repayment plan thereof.*

4 **Sec. 2.** NRS 239.010 is hereby amended to read as follows:

5 239.010 1. Except as otherwise provided in this section and  
6 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,  
7 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,  
8 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,  
9 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,  
10 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,  
11 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
12 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,  
13 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
14 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,  
15 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
16 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
17 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
18 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
19 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,  
20 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
21 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,  
22 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
23 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
24 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,  
25 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,  
26 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,  
27 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
28 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,  
29 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
30 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,  
31 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
32 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,  
33 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
34 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
35 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,  
36 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,  
37 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,  
38 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,  
39 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
40 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,  
41 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,  
42 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,  
43 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,  
44 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,  
45 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,



1 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,  
2 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,  
3 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,  
4 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,  
5 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,  
6 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
7 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,  
8 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,  
9 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,  
10 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
11 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
12 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,  
13 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,  
14 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,  
15 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
16 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
17 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,  
18 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
19 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,  
20 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,  
21 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
22 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,  
23 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
24 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,  
25 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,  
26 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41  
27 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter  
28 391, Statutes of Nevada 2013 and unless otherwise declared by law  
29 to be confidential, all public books and public records of a  
30 governmental entity must be open at all times during office hours to  
31 inspection by any person, and may be fully copied or an abstract or  
32 memorandum may be prepared from those public books and public  
33 records. Any such copies, abstracts or memoranda may be used to  
34 supply the general public with copies, abstracts or memoranda of the  
35 records or may be used in any other way to the advantage of the  
36 governmental entity or of the general public. This section does not  
37 supersede or in any manner affect the federal laws governing  
38 copyrights or enlarge, diminish or affect in any other manner the  
39 rights of a person in any written book or record which is  
40 copyrighted pursuant to federal law.

41 2. A governmental entity may not reject a book or record  
42 which is copyrighted solely because it is copyrighted.

43 3. A governmental entity that has legal custody or control of a  
44 public book or record shall not deny a request made pursuant to  
45 subsection 1 to inspect or copy or receive a copy of a public book or



1 record on the basis that the requested public book or record contains  
2 information that is confidential if the governmental entity can  
3 redact, delete, conceal or separate the confidential information from  
4 the information included in the public book or record that is not  
5 otherwise confidential.

6 4. A person may request a copy of a public record in any  
7 medium in which the public record is readily available. An officer,  
8 employee or agent of a governmental entity who has legal custody  
9 or control of a public record:

10 (a) Shall not refuse to provide a copy of that public record in a  
11 readily available medium because the officer, employee or agent has  
12 already prepared or would prefer to provide the copy in a different  
13 medium.

14 (b) Except as otherwise provided in NRS 239.030, shall, upon  
15 request, prepare the copy of the public record and shall not require  
16 the person who has requested the copy to prepare the copy himself  
17 or herself.

18 **Sec. 3.** The provisions of this act do not apply to any contract  
19 or agreement entered into pursuant to chapter 604A of NRS before  
20 October 1, 2017, and any such contract or agreement remains in  
21 effect in accordance with the provisions of the contract or  
22 agreement.

23 **Sec. 4.** This act becomes effective:

24 1. Upon passage and approval for the purpose of adopting any  
25 regulations and performing any other preparatory administrative  
26 tasks that are necessary to carry out the provisions of this act; and

27 2. On October 1, 2017, for all other purposes.

