

Senate Bill No. 88–Committee on Commerce and Labor

CHAPTER.....

AN ACT relating to insurance; revising provisions relating to licenses, certificates, permits and other authorizations for producers of insurance and other persons regulated by the Commissioner of Insurance; revising certain educational requirements for persons regulated by the Commissioner of Insurance; revising certain licensing and other fees; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) This bill makes various changes relating to obtaining or renewing licenses, certificates, permits or other types of authorizations governed by title 57 of NRS, including, without limitation, educational requirements.

**Sections 1 and 2** of this bill revise certain fees for obtaining and renewing various licenses, certificates, permits and other authorizations. **Sections 4-6, 8, 9 and 15** of this bill remove certain educational requirements for the issuance of various licenses. **Sections 6 and 7** of this bill remove certain references to fixed annuities. **Sections 11-14, 17-21, 34 and 36** of this bill eliminate the requirements that associate adjusters be licensed. **Sections 15 and 16** of this bill revise the licensing requirements for adjusters. **Section 32** of this bill revises provisions governing the expiration of a certificate to operate as a health exchange enrollment facilitator. **Section 37** of this bill provides that this bill is effective on passage and approval for the purposes of adopting regulations and other preparatory administrative acts and January 1, 2020, for all other purposes.

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

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

**Section 1.** NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

- 1. Insurer’s certificate of authority:
  - (a) Filing initial application ..... \$2,450
  - (b) Issuance of certificate:
    - (1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive ..... 283
    - (2) For two or more kinds of insurance as so defined ..... 578
    - (3) For a reinsurer ..... 2,450
  - (c) Each annual continuation of a certificate ..... 2,450



(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.

(e) Registration of additional title pursuant to NRS 680A.240.....\$50

(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240..... 25

2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document.....\$10

3. Annual statement or report. For filing annual statement or report ..... \$25

4. Service of process:

(a) Filing of power of attorney..... \$5

(b) Acceptance of service of process..... 30

5. Licenses, appointments and renewals for producers of insurance:

(a) Application and license .....\$125

(b) Appointment fee for each insurer..... 15

(c) Triennial renewal of each license..... 125

(d) Temporary license..... 10

(e) Modification of an existing license ..... 50

6. Surplus lines brokers:

(a) Application and license .....\$125

(b) Triennial renewal of each license..... 125

7. Managing general agents' licenses, appointments and renewals:

(a) Application and license .....\$125

(b) Appointment fee for each insurer..... 15

(c) Triennial renewal of each license..... 125

8. Adjusters' , *as defined in NRS 684A.030*, licenses and renewals:

(a) ~~Independent and public adjusters:~~

~~(1) Application and license .....\$125~~

~~(2) (b) Triennial renewal of each license ..... 125~~

~~(b) Associate adjusters:~~

~~(1) Application and license.....125~~

~~(2) Triennial renewal of each license .....125]~~

9. Licenses and renewals for appraisers of physical damage to motor vehicles:

(a) Application and license .....\$125



(b) Triennial renewal of each license.....	\$125
10. Additional title and property insurers pursuant to NRS 680A.240:	
(a) Original registration .....	\$50
(b) Annual renewal .....	25
11. Insurance vending machines:	
(a) Application and license, for each machine.....	\$125
(b) Triennial renewal of each license.....	125
12. Permit for solicitation for securities:	
(a) Application for permit.....	\$100
(b) Extension of permit.....	50
13. Securities salespersons for domestic insurers:	
(a) Application and license .....	\$25
(b) Annual renewal of license.....	15
14. Rating organizations:	
(a) Application and license .....	\$500
(b) Annual renewal .....	500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:	
(a) Application and certificate of registration.....	\$125
(b) Triennial renewal .....	125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.	
17. Certified copies of certificates of authority and licenses issued pursuant to the Code.....	\$10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.	
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee.....	\$10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee.....	\$10
21. Licenses, appointments and renewals for bail agents:	
(a) Application and license .....	\$125
(b) Appointment for each surety insurer.....	15
(c) Triennial renewal of each license.....	125



22. Licenses and renewals for bail enforcement agents:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license.....	125
23. Licenses, appointments and renewals for general agents for bail:	
(a) Application and license .....	\$125
(b) Initial appointment by each insurer.....	15
(c) Triennial renewal of each license.....	125
24. Licenses and renewals for bail solicitors:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license.....	125
25. Licenses and renewals for title agents and escrow officers:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license.....	125
(c) Appointment fee for each title insurer.....	15
<del>(d) Change in name or location of business or in association.....</del>	<del>10</del>
26. Certificate of authority and renewal for a seller of prepaid funeral contracts .....	\$125
27. Licenses and renewals for agents for prepaid funeral contracts:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license.....	125
<del>28. Licenses, appointments and renewals for agents for fraternal benefit societies:</del>	
<del>    (a) Application and license .....</del>	<del>\$125</del>
<del>    (b) Appointment for each insurer .....</del>	<del>15</del>
<del>    (c) Triennial renewal of each license.....</del>	<del>125</del>
<del>29.] 28. Reinsurance intermediary broker or manager:</del>	
(a) Application and license .....	\$125
(b) Triennial renewal of each license.....	125
<del>30.] 29. Agents for and sellers of prepaid burial contracts:</del>	
(a) Application and certificate or license.....	\$125
(b) Triennial renewal .....	125
<del>31.] 30. Risk retention groups:</del>	
(a) Initial registration .....	\$250
(b) Each annual continuation of a certificate of registration.....	250
<del>32.] 31. Required filing of forms:</del>	



(a) For rates and policies.....	\$25
(b) For riders and endorsements .....	10
<del>{33-}</del> <b>32.</b> Viatical settlements:	
(a) Provider of viatical settlements:	
(1) Application and license.....	\$1,000
(2) Annual renewal .....	1,000
(b) Broker of viatical settlements:	
(1) Application and license.....	500
(2) Annual renewal .....	500
(c) Registration of producer of insurance acting as a viatical settlement broker .....	250
<del>{34-}</del> <b>33.</b> Insurance consultants:	
(a) Application and license .....	\$125
(b) Triennial renewal .....	125
<del>{35-}</del> <b>34.</b> Licensee's association with or appointment or sponsorship by an organization:	
(a) Initial appointment, association or sponsorship, for each organization .....	\$50
(b) Renewal of each association or sponsorship.....	50
(c) Annual renewal of appointment .....	15
<del>{36-}</del> <b>35.</b> Purchasing groups:	
(a) Initial registration and review of an application.....	\$100
(b) Each annual continuation of registration.....	100
<del>{37-}</del> <b>36.</b> Exchange enrollment facilitators:	
(a) Application and certificate .....	\$125
(b) Triennial renewal of each certificate.....	125
(c) Temporary certificate .....	10
<del>{(d) Modification of an existing certificate.....}</del>	<del>50</del>
<del>—38-}</del> <b>37.</b> In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.	

**Sec. 2.** NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) Except as otherwise provided in NRS 680A.180, 683A.378, 686A.380, 694C.230, 695A.080, 695B.135, 695D.150, 695H.090 and 696A.150, if an annual fee, paid on or before the date established by regulation of the Commissioner;



(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

- (1) Initial fee ..... \$1,300
- (2) Annual fee ..... \$1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

- (1) Initial fee ..... \$1,300
- (2) Annual fee ..... \$1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

- (1) Initial fee ..... \$60
- (2) Annual fee ..... \$60

(d) Producers of insurance, as defined in NRS 679A.117:

- (1) Initial fee ..... \$60
- (2) Triennial fee ..... \$60

(e) Reinsurers, as provided for in NRS 681A.1551 or 681A.160, as applicable:

- (1) Initial fee ..... \$1,300
- (2) Annual fee ..... \$1,300

(f) Intermediaries, as defined in NRS 681A.330:

- (1) Initial fee ..... \$60
- (2) Triennial fee ..... \$60

(g) Reinsurers, as defined in NRS 681A.370:

- (1) Initial fee ..... \$1,300
- (2) Annual fee ..... \$1,300

(h) Administrators, as defined in NRS 683A.025:

- (1) Initial fee ..... \$60
- (2) Triennial fee ..... \$60

(i) Managing general agents, as defined in NRS 683A.060:

- (1) Initial fee ..... \$60
- (2) Triennial fee ..... \$60

(j) Agents who perform utilization reviews, as defined in NRS 683A.376:



(1) Initial fee.....	\$60
(2) Annual fee.....	\$60
(k) Insurance consultants, as defined in NRS 683C.010:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(l) Independent adjusters, as defined in NRS 684A.030:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(m) Public adjusters, as defined in NRS 684A.030:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(n) <del>Associate adjusters, as defined in NRS 684A.030:</del>	
<del>    (1) Initial fee.....</del>	<del>\$60</del>
<del>    (2) Triennial fee.....</del>	<del>\$60</del>
<del>(o) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:</del>	
<del>    (1) Initial fee.....</del>	<del>\$60</del>
<del>    (2) Triennial fee.....</del>	<del>\$60</del>
<del>(p) Brokers, as defined in NRS 685A.031:</del>	
<del>    (1) Initial fee.....</del>	<del>\$60</del>
<del>    (2) Triennial fee.....</del>	<del>\$60</del>
<del>(q) Companies, as defined in NRS 686A.330:</del>	
<del>    (1) Initial fee.....</del>	<del>\$1,300</del>
<del>    (2) Annual fee.....</del>	<del>\$1,300</del>
<del>(r) Rate service organizations, as defined in NRS 686B.020:</del>	
<del>    (1) Initial fee.....</del>	<del>\$1,300</del>
<del>    (2) Annual fee.....</del>	<del>\$1,300</del>
<del>(s) Brokers of viatical settlements, as defined in NRS 688C.030:</del>	
<del>    (1) Initial fee.....</del>	<del>\$60</del>
<del>    (2) Annual fee.....</del>	<del>\$60</del>
<del>(t) Providers of viatical settlements, as defined in NRS 688C.080:</del>	
<del>    (1) Initial fee.....</del>	<del>\$60</del>
<del>    (2) Annual fee.....</del>	<del>\$60</del>
<del>(u) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:</del>	
<del>    (1) Initial fee.....</del>	<del>\$60</del>
<del>    (2) Triennial fee.....</del>	<del>\$60</del>



<del>[(v)]</del> (u) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee .....	\$60
(2) Triennial fee .....	\$60
<del>[(w)]</del> (v) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee .....	\$60
(2) Triennial fee .....	\$60
<del>[(x)]</del> (w) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee .....	\$60
(2) Triennial fee .....	\$60
<del>[(y)]</del> (x) Providers, as defined in NRS 690C.070:	
(1) Initial fee .....	\$1,300
(2) Annual fee .....	\$1,300
<del>[(z)]</del> (y) Escrow officers, as defined in NRS 692A.028:	
(1) Initial fee .....	\$60
(2) Triennial fee .....	\$60
<del>[(aa)]</del> (z) Title agents, as defined in NRS 692A.060:	
(1) Initial fee .....	\$60
(2) Triennial fee .....	\$60
<del>[(bb)]</del> (aa) Captive insurers, as defined in NRS 694C.060:	
(1) Initial fee .....	\$250
(2) Annual fee .....	\$250
<del>[(cc) Insurance agents for societies, as provided for in NRS 695A.330:</del>	
<del>    (1) Initial fee .....</del>	<del>\$60</del>
<del>    (2) Triennial fee .....</del>	<del>\$60</del>
<del>[(dd)]</del> (bb) Purchasing groups, as defined in NRS 695E.100:	
(1) Initial fee .....	\$250
(2) Annual fee .....	\$250
<del>[(ee)]</del> (cc) Risk retention groups, as defined in NRS 695E.110:	
(1) Initial fee .....	\$250
(2) Annual fee .....	\$250
<del>[(ff)]</del> (dd) Medical discount plans, as defined in NRS 695H.050:	
(1) Initial fee .....	\$1,300
(2) Annual fee .....	\$1,300





~~(gg)~~ (ee) Club agents, as defined in NRS 696A.040:

- (1) Initial fee.....\$60
- (2) Triennial fee.....\$60

~~(hh)~~ (ff) Motor clubs, as defined in NRS 696A.050:

- (1) Initial fee.....\$1,300
- (2) Annual fee.....\$1,300

~~(ii)~~ (gg) Bail agents, as defined in NRS 697.040:

- (1) Initial fee.....\$60
- (2) Triennial fee.....\$60

~~(jj)~~ (hh) Bail enforcement agents, as defined in NRS 697.055:

- (1) Initial fee.....\$60
- (2) Triennial fee.....\$60

~~(kk)~~ (ii) Bail solicitors, as defined in NRS 697.060:

- (1) Initial fee.....\$60
- (2) Triennial fee.....\$60

~~(jj)~~ (jj) General agents, as defined in NRS 697.070:

- (1) Initial fee.....\$60
- (2) Triennial fee.....\$60

~~(mm)~~ (kk) Exchange enrollment facilitators, as defined in NRS 695J.050:

- (1) Initial fee.....\$60
- (2) Triennial fee.....\$60

5. An initial fee of \$1,000 must be paid to the Commissioner by each:

- (a) Insurer who is authorized to transact casualty insurance, as defined in NRS 681A.020;
  - (b) Insurer who is authorized to transact health insurance, as defined in NRS 681A.030;
  - (c) Insurer who is authorized to transact life insurance, as defined in NRS 681A.040;
  - (d) Insurer who is authorized to transact property insurance, as defined in NRS 681A.060;
  - (e) Title insurer, as defined in NRS 692A.070;
  - (f) Fraternal benefit society, as defined in NRS 695A.010;
  - (g) Corporation subject to the provisions of chapter 695B of NRS;
  - (h) Health maintenance organization, as defined in NRS 695C.030;
  - (i) Organization for dental care, as defined in NRS 695D.060;
- and



(j) Prepaid limited health service organization, as defined in NRS 695F.050.

6. An insurer who is required to pay an initial fee of \$1,000 pursuant to subsection 5 shall also pay to the Commissioner an annual fee in an amount determined by the Commissioner. When determining the amount of the annual fee, the Commissioner must consider:

- (a) The direct written premiums reported to the Commissioner by the insurer during the previous year;
- (b) The number of insurers who are required to pay an annual fee pursuant to this subsection;
- (c) The direct written premiums reported during the previous year by all insurers paying such fees; and
- (d) The budget of the Division.

7. An insurer who is not required to pay an initial or annual fee pursuant to subsection 4 or subsections 5 and 6 shall pay to the Commissioner an initial fee of \$1,300 and an annual fee of \$1,300.

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** NRS 683A.242 is hereby amended to read as follows:

683A.242 1. An applicant for, or holder of, a license issued pursuant to NRS 683A.265 is not required to pass a written examination or meet any ~~[prelicensing education or]~~ continuing education requirements to receive or renew a license.

2. A travel retailer who is listed in the register maintained pursuant to NRS 683A.3685 or any employee or authorized representative of such a travel retailer who is listed in the register of a producer of limited lines travel insurance, is not required to pass any written examination or complete any education requirements other than the program of instruction or training required by paragraph (f) of subsection 1 of NRS 683A.369.

**Sec. 5.** NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

- (a) Attained the age of 18 years;
- (b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;



(c) ~~Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;~~

~~—(d)~~ Paid all applicable fees prescribed for the license, which may not be refunded; and

~~[(e)]~~ (d) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license, which may not be refunded;

(b) Designated a natural person who is licensed as a producer of insurance and who is authorized to transact business on behalf of the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance; *and*

(c) ~~If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization; and~~

~~—(d)~~ Established and maintains a valid electronic mail address at the applicant's own expense.

3. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner;

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to



the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; and

(c) Establish and maintain a valid electronic mail address.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

5. The Commissioner may require any document reasonably necessary to verify information contained in an application.

**Sec. 6.** NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.

(b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.



(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) ~~Fixed annuities, including, without limitation, indexed annuities, as a limited line.~~

~~(i)~~ Travel insurance, as defined in NRS 683A.197, as a limited line.

~~(i)~~ (i) Rental car ~~agency~~ as a limited line.

~~(k)~~ (j) Portable electronics as a limited line.

~~(t)~~ (k) Crop as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal are paid for each license ~~and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251,~~ and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination ~~for completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251,~~ but *any continuing education requirements must be met and* a penalty



of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

6. A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business, residence or electronic mail address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

**Sec. 7.** NRS 683A.291 is hereby amended to read as follows:

683A.291 1. An applicant for licensing in this state as a producer of insurance who was previously licensed for the same lines of authority in another state need not complete any education or examination if the applicant is currently licensed in that state or, if the application is received within 90 days after the cancellation of the license, the other state certifies that the applicant was in good standing at the time of cancellation. Alternatively, the exemption is available if the records of the National Association of Insurance Commissioners show that the applicant is or was licensed and in good standing for the lines of authority requested.

2. An examination is not required for a producer of insurance who confines his or her activity to insurance categorized as limited line, credit, travel, portable electronics ~~[, baggage or fixed annuity, or covering vehicles leased for a short term.]~~ or rental car.

3. A person licensed in another state who moves to this state and desires to become licensed as a resident producer of insurance



with the benefit of the exemption provided in subsection 1 must apply for licensing within 90 days after establishing legal residence.

**Sec. 8.** NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110. The license fee set forth in NRS 680B.010 is not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.

2. An applicant for an insurance consultant's license must successfully complete an examination ~~[and a course of instruction]~~ which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated, and each insurance consultant must pay, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

**Sec. 9.** NRS 683C.035 is hereby amended to read as follows:

683C.035 1. The Commissioner shall prescribe the form of application by a natural person for a license as an insurance consultant. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

- (a) Attained the age of 18 years.
- (b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license pursuant to NRS 683A.451.
- (c) Paid all applicable fees prescribed for the license, which may not be refunded.
- (d) Passed each examination required for the license ~~[and successfully completed each course of instruction which the Commissioner requires by regulation,]~~ unless the applicant is a resident of another state and holds a similar license in that state.

2. A business organization must be licensed as an insurance consultant in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

- (a) Paid all applicable fees prescribed for the license, which may not be refunded; and



(b) Designated a natural person who is licensed as an insurance consultant in this State and who is affiliated with the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance.

3. The Commissioner may require any document reasonably necessary to verify information contained in an application.

4. A license issued pursuant to this chapter is valid for 3 years after the date of issuance or until it is suspended, revoked or otherwise terminated.

5. An insurance consultant may qualify for a license pursuant to this chapter in one or more of the lines of authority set forth in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 683A.261.

**Sec. 10.** (Deleted by amendment.)

**Sec. 11.** NRS 684A.020 is hereby amended to read as follows:

684A.020 1. Except as otherwise provided in subsection 2, "adjuster" means any person who, for compensation, including, without limitation, a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, including, without limitation, workers' compensation coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage.

2. For the purposes of this chapter:

(a) ~~An associate adjuster, as defined in NRS 684A.030;~~

~~(b)~~ An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

~~(c)~~ (b) An adjuster of ocean marine losses;

~~(d)~~ (c) A salaried employee of an insurer, unless the employee:

(1) Investigates, negotiates or settles workers' compensation claims; and

(2) Obtains a license pursuant to this chapter;

~~(e)~~ (d) A salaried employee of a managing general agent maintaining an underwriting office in this state;

~~(f)~~ (e) An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;





~~[(g)]~~ (f) A licensed agent who supervises not more than 25 employees described in paragraph ~~[(f)]~~ (e);

~~[(h)]~~ (g) A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

~~[(i)]~~ (h) A person who is employed solely to obtain facts surrounding a claim or to furnish technical assistance to a licensed independent adjuster;

~~[(j)]~~ (i) A person who is employed to investigate suspected fraudulent insurance claims but who does not adjust losses or determine the payment of claims;

~~[(k)]~~ (j) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate, negotiate or settle claims with a policyholder or claimant or the legal representative of a policyholder or claimant;

~~[(l)]~~ (k) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

~~[(m)]~~ (l) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

~~[(n)]~~ (m) A person who settles only reinsurance or subrogation claims;

~~[(o)]~~ (n) A broker, agent or representative of a risk retention group;

~~[(p)]~~ (o) An attorney-in-fact of a reciprocal insurer;

~~[(q)]~~ (p) A manager of a branch office of an alien insurer that is located in the United States; or

~~[(r)]~~ (q) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524, unless the person investigates, negotiates or settles workers' compensation claims,

↳ is not considered an adjuster.

**Sec. 12.** NRS 684A.030 is hereby amended to read as follows:  
684A.030 1. "Independent adjuster" means an adjuster who is representing the interests of an insurer or a self-insurer and who:

(a) Contracts for compensation with the insurer or self-insurer as an independent contractor or an employee of an independent contractor;



(b) Is treated for tax purposes by the insurer or self-insurer in a manner consistent with an independent contractor rather than an employee; and

(c) Investigates, negotiates or settles property, casualty or surety claims, including, without limitation, workers' compensation claims, for the insurer or self-insurer.

2. "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy. The term does not include an adjuster who investigates, negotiates or settles workers' compensation claims.

3. "Company adjuster" means a salaried employee of an insurer who:

(a) Investigates, negotiates or settles *property, casualty or surety claims, including, without limitation,* workers' compensation claims; and

(b) Obtains a license pursuant to this chapter.

4. "Staff adjuster" means a person who investigates, negotiates or settles workers' compensation claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524.

~~[5. "Associate adjuster" means an employee of an adjuster who, under the direct supervision of the adjuster, assists in the investigation and settlement of insurance losses on behalf of his or her employer.]~~

**Sec. 13.** NRS 684A.035 is hereby amended to read as follows:

684A.035 1. The provisions of NRS 683A.341 and 686A.310 apply to adjusters . ~~[and associate adjusters.]~~

2. For the purposes of subsection 1, unless the context requires that a section apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "adjuster ." ~~[or "associate adjuster."]~~

**Sec. 14.** NRS 684A.040 is hereby amended to read as follows:

684A.040 1. Except as otherwise provided in NRS 684A.060, no person may act as, or hold himself or herself out to be, an adjuster ~~[or associate adjuster]~~ in this State unless then licensed as such under the applicable adjuster's license ~~[or associate adjuster's license, as the case may be,]~~ issued under the provisions of this chapter.

2. Any person violating the provisions of this section is guilty of a gross misdemeanor.



3. Except as otherwise provided in NRS 684A.060, a person who acts as an adjuster in this State without a license is subject to an administrative fine of not more than \$1,000 for each violation.

4. A salaried employee of an insurer who investigates, negotiates or settles workers' compensation claims may, but is not required to, obtain a license as a company adjuster pursuant to this chapter. The provisions of subsections 1, 2 and 3 do not apply to a salaried employee of an insurer.

**Sec. 15.** NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

- (a) Be at least 18 years of age;
- (b) Be eligible to declare this State as his or her home state;
- (c) Be competent, trustworthy, financially responsible and of good reputation, as determined by the Commissioner;
- (d) Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or conspiracy to defraud;

(e) Except as otherwise provided in subsection 4, never have committed any act that is a ground for refusal to issue, suspension or revocation of a license pursuant to NRS 683A.451;

(f) Unless exempted pursuant to NRS 684A.100 or 684A.105, successfully ~~complete a prelicensing course of study prescribed by the Commissioner by regulation and~~ pass all examinations required under this chapter; ~~and~~

(g) Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent ~~;~~ *and*

*(h) Establish and maintain a valid electronic mail address.*

2. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on



the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may waive the requirements of paragraph (d) or (e) of subsection 1 for good cause shown.

~~{5. For the purposes of paragraph (f) of subsection 1, the Commissioner shall adopt regulations establishing a prelicensing course of study for an adjuster.}~~

**Sec. 16.** NRS 684A.130 is hereby amended to read as follows:

684A.130 1. Each license issued under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner, completion of any other requirement for renewal of the license specified in this chapter and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted, all requirements must be completed and all applicable fees must be paid on or before the last day of the month in which the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:



(a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110 and subsection 2 of NRS 684A.050;

(b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143;

(c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and

(d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. *An adjuster who is unable to comply with the procedures and requirements to renew a license due to military service, long-term medical disability or some other extenuating circumstance may request waiver of same and a waiver of any requirement relating to an examination, fine or other sanction imposed for failure to comply with such procedures or requirements.*

4. *An adjuster shall inform the Commissioner by any means acceptable to the Commissioner of any change in the residence address or business address for the home state or in the legal name of the adjuster within 30 days of the change.*

5. *In order to assist in the performance of the duties of the Commissioner, the Commissioner may contract with nongovernmental entities, including, without limitation, the National Association of Insurance Commissioners or its affiliates or subsidiaries, to perform any ministerial function, including, without limitation, the collection of fees and data, related to licensing that the Commissioner may deem appropriate.*

6. This section does not apply to temporary licenses issued under NRS 684A.150.

**Sec. 17.** NRS 684A.143 is hereby amended to read as follows:

684A.143 1. A natural person who applies for the issuance or renewal of a license *as an adjuster* shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license **§** *as an adjuster*; or

(b) A separate form prescribed by the Commissioner.



3. A license *as an adjuster* may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

~~{5. — As used in this section, “license” means:~~

~~— (a) A license as an adjuster; and~~

~~— (b) A license as an associate adjuster.}~~

**Sec. 18.** NRS 684A.147 is hereby amended to read as follows:

684A.147 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ~~{}~~ *as an adjuster*, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license *as an adjuster* that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

~~{3. — As used in this section, “license” means:~~

~~— (a) A license as an adjuster; and~~



~~(b) A license as an associate adjuster.]~~

**Sec. 19.** NRS 684A.170 is hereby amended to read as follows:

684A.170 1. Every adjuster *who is a resident of this State* shall have and maintain in this state a place of business accessible to the public and from which the licensee principally conducts transactions under his or her license. The address of such place shall appear upon the application for a license and upon the license, when issued, and the licensee shall promptly notify the Commissioner in writing of any change thereof. Nothing in this section shall prohibit the maintenance of such place in the licensee's residence in this state.

2. The license of the licensee ~~[and those of associate adjusters employed by the licensee]~~ shall be conspicuously displayed in such place of business in a part thereof customarily open to the public.

**Sec. 20.** NRS 684A.210 is hereby amended to read as follows:

684A.210 1. The Commissioner may suspend, revoke, limit or refuse to continue any adjuster's license : ~~[or associate adjuster's license:]~~

(a) For any cause specified in any other provision of this chapter;

(b) For any applicable cause for revocation of the license of a producer of insurance under NRS 683A.451; or

(c) If the licensee has for compensation represented or attempted to represent both the insurer and the insured in the same transaction.

2. The license of a business entity may be suspended, revoked, limited or continuation refused for any cause which relates to any individual designated with respect to the license to exercise its powers.

3. The holder of any license which has been suspended or revoked shall forthwith surrender the license to the Commissioner.

**Sec. 21.** NRS 684A.220 is hereby amended to read as follows:

684A.220 NRS 683A.451, 683A.461 and 683A.480 also apply to suspension, revocation, limitation or refusal to continue adjusters' licenses , ~~[and associate adjusters' licenses,]~~ except where in conflict with the express provisions of this chapter.

**Secs. 22-28.** (Deleted by amendment.)

**Sec. 29.** NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 6 and 7 of NRS 680A.270, subsections 2, 4, 18, 19 and ~~[32]~~ 31 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapter 686A of NRS, NRS 687B.500 and chapters 692C and 695G of NRS apply to a health maintenance organization.



2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to “insurer” must be replaced by “health maintenance organization.”

**Secs. 30 and 31.** (Deleted by amendment.)

**Sec. 32.** NRS 695J.260 is hereby amended to read as follows:

695J.260 1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange within 30 days after the date on which the certificate was issued, the exchange enrollment facilitator’s certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.

2. If the Exchange terminates an exchange enrollment facilitator’s appointment, the exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator . ~~under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date the appointment was terminated, the exchange enrollment facilitator’s certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment of an entity other than a natural person:

(a) The appointments of exchange enrollment facilitators named on the entity’s appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate . ~~until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator’s certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

4. The provisions of subsection 3 do not apply to any appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of an appointment for an entity or certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.





**Sec. 33.** (Deleted by amendment.)

**Sec. 34.** NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters ~~[and their associate adjusters]~~ licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.



12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

**Sec. 35.** (Deleted by amendment.)

**Sec. 36.** NRS 684A.140 is hereby repealed.

**Sec. 37.** This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.

