

Senate Bill No. 453–Committee on Finance

CHAPTER.....

AN ACT relating to financial services; authorizing the Commissioner of Financial Institutions, in furtherance of his or her duties or the duties of the Division of Financial Institutions of the Department of Business and Industry with respect to the issuance and renewal of certain licenses and certificates, to participate in the Nationwide Multistate Licensing System and Registry; authorizing the Commissioner to take certain actions relating to participation in the Registry; revising the requirements for applicants for certain licenses or certificates issued by the Commissioner and by the Division; revising provisions relating to the expiration and renewal of certain licenses or certificates issued by the Commissioner and by the Division; requiring the holders of certain licenses or certificates issued by the Commissioner to submit certain reports to the Registry; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure or certification by the Division of Financial Institutions of the Department of Business and Industry or the Commissioner of Financial Institutions of providers of deferred deposit loans, high-interest loans, title loans, check-cashing services, consumer litigation funding companies, private professional guardians, exchange facilitators, collection agencies, issuers of instruments for transmission or payment of money, providers of installment loans and providers of debt-management services. (Chapters 604A, 604C, 628B, 645G, 649, 671, 675 and 676A of NRS) This bill revises various provisions of existing law concerning the issuance and renewal of licenses and certificates by the Commissioner or Division for the purpose of authorizing such licenses and certificates to be issued and renewed through the Nationwide Multistate Licensing System and Registry.

Section 34 of this bill defines the “Nationwide Multistate Licensing System and Registry” to mean, in general, a multistate licensing system developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and operated by the State Regulatory Registry, LLC, for the licensing and registration of non-depository financial service entities by participating state agencies. **Sections 2, 11, 22, 35, 46, 57, 68 and 80** of this bill: (1) authorize the Commissioner, in furtherance of his or her duties or the duties of the Division, as applicable, with respect to the issuance and renewal of licenses and certificates, to participate in the Registry; and (2) set forth certain actions that the Commissioner is authorized to take concerning participation in the Registry, including, among others, requiring applicants for or holders of licenses and certificates to use the Registry to submit certain information and fees relating to licensure or certification.

Sections 3, 12, 23, 36, 47, 58, 69 and 81 of this bill authorize the Commissioner to: (1) require an applicant for licensure or certification or a licensee or certificate holder to submit a complete set of fingerprints when the Commissioner determines necessary; and (2) use the services of the Registry to



process and to submit the fingerprints to the Federal Bureau of Investigation and certain other federal and state agencies for the purposes of conducting a criminal background check. **Sections 5, 14, 25, 38, 49, 60, 71 and 83** of this bill similarly require each applicant for the issuance of a license or certificate and certain other persons to submit a complete set of fingerprints to the Registry. **Sections 17, 28, 41, 53, 63, 74, 86 and 88** of this bill remove provisions of existing law requiring applicants for certain licenses or certificates to submit fingerprints to the Commissioner or the Division to conform with the requirements set forth in this bill concerning the submission of fingerprints to the Commissioner and Registry.

Sections 4, 13, 24, 37, 48, 59, 70 and 82 of this bill: (1) require the Commissioner to report to the Registry certain information concerning violations of applicable laws by applicants for licenses or certificates and licensees or certificate holders; and (2) authorize the Commissioner to enter into certain agreements or sharing arrangements with the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, and certain other entities.

Sections 6, 15, 26, 39, 50, 61, 72 and 84 of this bill: (1) authorize the Commissioner to issue a license or certificate through the Registry; and (2) provide that, to the extent that the Commissioner has delegated his or her duties or the duties of the Division, as applicable, with respect to the issuance or renewal of licenses or certificates as authorized under the provisions of this bill, references to the Commissioner or Division in provisions of existing law governing the issuance or renewal of such licenses or certificates are deemed to be references to the Registry.

Sections 8, 18, 32, 42, 51, 64, 74-77, 87 and 89 of this bill provide that certain licenses and certificates expire on December 31 of each year. A person who wishes to renew such a license or certificate must submit any materials and fees required for renewal on or after November 1 and on or before December 31. If such a person fails to do so in any year, the license or certificate is cancelled as of December 31 of that year. **Sections 8, 18, 32, 42, 51, 64, 75 and 89** authorize the Commissioner to reinstate certain licenses or certificates which have been cancelled if the person submits any applicable materials and fees required for renewal and reinstatement on or before February 28 of the following year.

Section 9 of this bill requires a person who is licensed to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits to submit an annual report to the Registry. Similarly, **sections 19, 43, 54, 65 and 90** of this bill: (1) require certain licensees that are required to submit certain annual reports to the Commissioner to also submit such reports to the Registry; and (2) authorize the Commissioner to require such licensees to submit additional, more frequent reports as the Commissioner determines necessary.

Section 91 of this bill requires the Commissioner to notify the Governor and the Director of the Legislative Counsel Bureau when the Commissioner determines that the Registry has sufficient capabilities to allow the Commissioner to carry out the provisions of **sections 1-90** of this bill and requires the Commissioner to publish the notice on the Internet website of the Division. Under **section 92** of this bill, the provisions of **sections 1-90** become effective for all purposes on the date on which the Commissioner provides such notice.

Sections 27, 40, 52, 62, 73 and 85 of this bill make conforming changes to indicate the proper placement of certain sections of this bill in the Nevada Revised Statutes. **Sections 29-31** of this bill make conforming changes to reflect the revisions made to the provisions of **section 28**.



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

Section 1. Chapter 671 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:*

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for licenses and licensees;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for a license or a licensee to use the Registry to:

(1) Apply for the issuance or renewal of a license;

(2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.



3. *The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.*

4. *The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.*

Sec. 3. 1. *The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.*

2. *The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.*

Sec. 4. 1. *Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for licenses or licensees, enforcement actions and other relevant information to the Registry.*

2. *The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.*

3. *The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.*

Sec. 5. 1. *In addition to any other requirements set forth in this chapter, each applicant for the issuance of a license pursuant to this chapter and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in*



accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:

(a) A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

(b) Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and

(2) Additional independent credit reports and credit scores to confirm that the person continues to comply with any applicable requirements concerning financial responsibility;

(c) Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

(d) Any other information concerning the person that the Registry or Commissioner may require.

2. As used in this section:

(a) "Control" has the meaning ascribed to it in NRS 682A.047.

(b) "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.

Sec. 6. 1. Each licensee shall register with and maintain a valid unique identifier with the Registry.

2. The Commissioner may issue a license through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses as authorized by the provisions of this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.



Sec. 7. NRS 671.010 is hereby amended to read as follows:
671.010 As used in this chapter, unless the context otherwise requires:

1. "Check" means any check, draft, money order or other instrument used for the transmission or payment of money. "Check" does not include a traveler's check.

2. "Licensee" means any person licensed under this chapter.

3. *"Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in section 34 of this act.*

Sec. 8. NRS 671.070 is hereby amended to read as follows:

671.070 1. A license issued pursuant to this chapter expires on ~~June 30 of the year following its issuance and thereafter expires on June 30~~ *December 31* of each year, unless it is earlier surrendered, suspended or revoked.

2. The license may be renewed from year to year upon the approval of the Commissioner if the licensee, *on or after November 1 and on or before December 31 of each year*, files an application conforming to the requirements for an initial application. ~~[at least 60 days before the expiration of his or her current license.]~~

3. An application for the renewal of the license must be accompanied by a fee of not more than \$400. No investigation fee may be charged for the renewal of the license. If the application or fee for renewal is not filed within the required time, the Commissioner may ~~[renew]~~ *reinstate* the expired license ~~[upon receipt of]~~ *if the licensee files* the application ~~[and]~~, *the* fee for renewal ~~[,]~~ and a fee of not more than \$400 for late renewal ~~[,]~~, *if applicable, on or before February 28 of the year following the expiration of the license.*

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. All fees collected pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 9. NRS 671.170 is hereby amended to read as follows:

671.170 1. The Commissioner may conduct any necessary investigations and hearings to determine whether any licensee or other person has violated any of the provisions of this chapter or whether any licensee has conducted himself or herself in a manner which requires the suspension, revocation or denial of renewal of his or her license.

2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by the Commissioner, may require the attendance and testimony of any person and compel the production of all relevant books, records,



accounts and other documents. The Commissioner shall charge and collect from each licensee or other person a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

3. *Each licensee shall submit to the Registry, on or before April 15 of each year, an annual report of condition on a form prescribed by the Commissioner.* The Commissioner may require any licensee to submit such reports concerning the licensee's business as the Commissioner deems necessary for the enforcement of this chapter.

4. Except as otherwise provided in NRS 239.0115, all reports of investigations and examinations and other reports rendered pursuant to this section, and all correspondence and memoranda relating to or arising therefrom, including any authenticated copies thereof in the possession of any licensee or the Commissioner, are confidential communications, are not subject to any subpoena, and must not be made public unless the Commissioner determines that justice and the public advantage will be served by their publication. This subsection does not preclude any party to an administrative or judicial proceeding from introducing into evidence any information or document otherwise available or admissible.

Sec. 10. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

Sec. 11. 1. *The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:*

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for and holders of licenses;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;



(e) Requiring an applicant for a license or a licensee to use the Registry to:

- (1) Apply for the issuance or renewal of a license;*
- (2) Amend or surrender a license;*
- (3) Submit any reports or the results of any examination that the Commissioner may require;*
- (4) Pay any applicable fees; and*
- (5) Engage in any other activity that the Commissioner may require; and*

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 12. *1. The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.*

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.

Sec. 13. *1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for a license or licensees, enforcement actions and other relevant information to the Registry.*



2. *The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.*

3. *The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.*

Sec. 14. 1. *In addition to any other requirements set forth by specific statute, each applicant for the issuance of a license and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) *A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;*

(b) *Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:*

(1) *An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and*

(2) *Additional independent credit reports and credit scores to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;*

(c) *Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and*

(d) *Any other information concerning the person that the Registry or Commissioner may require.*



2. As used in this section:

(a) "Control" has the meaning ascribed to it in NRS 682A.047.

(b) "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.

Sec. 15. 1. *Each licensee shall register with and maintain a valid unique identifier with the Registry.*

2. The Commissioner may issue a license through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.

Sec. 16. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

6. "Covered service member" has the meaning ascribed to it in NRS 604A.038.

7. "Dependent" has the meaning ascribed to it in NRS 604A.057.

8. "Internet business lender" means a person who makes business loans exclusively through the Internet.

9. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.



10. "Licensee" means a person to whom one or more licenses have been issued.

11. "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in section 34 of this act.

Sec. 17. NRS 675.095 is hereby amended to read as follows:

675.095 1. In addition to any other requirements set forth in this chapter, each applicant must submit ~~[-~~

~~-(a) Proof]~~ *proof* satisfactory to the Commissioner that the applicant:

~~[(1)]~~ (a) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

~~[(2)]~~ (b) Has not made a false statement of material fact on the application for the license.

~~[(3)]~~ (c) Has not committed any of the acts specified in subsection 2.

~~[(4)]~~ (d) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

~~[(5)]~~ (e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~[(6)]~~ (f) If the applicant is a natural person:

~~[(I)]~~ (I) Is at least 21 years of age; and

~~[(II)]~~ (2) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

~~[(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.



(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 18. NRS 675.140 is hereby amended to read as follows:

675.140 1. A license expires on December 31 of each year unless renewed by the licensee . ~~[through the payment, on]~~ *To renew a license, a licensee must submit to the Commissioner on or after November 1 and on or before [that date,] December 31 of [an annual] each year:*

(a) An application for renewal; and

(b) A fee of not more than \$1,000 for each license held by the licensee. [The]

2. If a licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, the license is cancelled as of December 31 of that year. The Commissioner may reinstate [an expired] a cancelled license [upon receipt of the annual] if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee specified in paragraph (b) of subsection 1; and [a]

(c) A fee of not more than \$400 for reinstatement.

~~[2.]~~ 3. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

Sec. 19. NRS 675.260 is hereby amended to read as follows:

675.260 1. Annually, on or before April 15, each licensee shall file with the Commissioner *and the Nationwide Multistate Licensing System and Registry* a report of operations of the licensed business for the preceding calendar year.

~~[2.]~~ The report must be made under oath and must be in the form and contain information prescribed by the Commissioner.

~~[3.]~~ If any person or affiliated group holds more than one license in the state, it may file a composite annual report.

2. The Commissioner may require a licensee to file more frequent reports as the Commissioner determines necessary.

Sec. 20. Chapter 676A of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to 26, inclusive, of this act.

Sec. 21. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in section 34 of this act.*

Sec. 22. *1. The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of certificates of registration pursuant to this chapter, participate in the*



Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for and holders of certificates of registration;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with registration, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for or holder of a certificate of registration to use the Registry to:

(1) Apply for the issuance or renewal of a certificate of registration;

(2) Amend or surrender a registration;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for or holder of a certificate of registration.

2. An applicant for or holder of a certificate of registration shall, in addition to any other fees associated with the registration, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a certificate of registration.



Sec. 23. 1. *The Commissioner may require an applicant for or holder of a certificate of registration to submit a complete set of fingerprints when the Commissioner determines necessary.*

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for or holder of a certificate of registration.

Sec. 24. 1. *Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for or holders of a certificate of registration, enforcement actions and other relevant information to the Registry.*

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over holders of a certificate of registration without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

Sec. 25. 1. *In addition to any other requirements set forth by specific statute, each applicant for the issuance of a registration and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;



(b) Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and

(2) Additional independent credit reports and credit scores to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;

(c) Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

(d) Any other information concerning the person that the Registry or Commissioner may require.

2. As used in this section:

(a) "Control" has the meaning ascribed to it in NRS 682A.047.

(b) "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.

Sec. 26. 1. *Each holder of a certificate of registration shall register with and maintain a valid unique identifier with the Registry.*

2. The Commissioner may issue a certificate of registration through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of certificates of registration as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.

Sec. 27. NRS 676A.020 is hereby amended to read as follows:

676A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 676A.030 to 676A.260, inclusive, **and section 21 of this act** have the meanings ascribed to them in those sections.

Sec. 28. NRS 676A.320 is hereby amended to read as follows:

676A.320 An application for registration must be signed under oath and include:



1. The applicant's name, principal business address and telephone number and all other business addresses in this State, electronic mail addresses and Internet website addresses;

2. All names under which the applicant conducts business;

3. The address of each location in this State at which the applicant will provide debt-management services or a statement that the applicant will have no such location;

4. The name and home address of each officer and director of the applicant and each person that owns at least 10 percent of the applicant;

5. Identification of every jurisdiction in which, during the 5 years immediately preceding the application:

(a) The applicant or any of its officers or directors have been licensed or registered to provide debt-management services; or

(b) Individuals have resided when they received debt-management services from the applicant;

6. A statement describing, to the extent it is known or should be known by the applicant, any material civil or criminal judgment or litigation and any material administrative or enforcement action by a governmental agency in any jurisdiction against the applicant, any of its officers, directors, owners or agents or any person who is authorized to have access to the trust account required by NRS 676A.570;

7. The applicant's financial statements for each of the 2 years immediately preceding the application or, if it has not been in operation for the 2 years preceding the application, for the period of its existence, which must be audited by an accountant licensed to conduct audits if the applicant is claiming nonprofit or tax-exempt status or if the applicant's business practices involve holding, accessing or directing the funds of an individual;

8. Evidence of accreditation by an independent accrediting organization approved by the Commissioner;

9. Evidence that, within 12 months after initial employment, each of the applicant's counselors becomes certified as a certified counselor or certified debt specialist;

10. A description of the three most commonly used educational programs that the applicant provides or intends to provide to individuals who reside in this State and a copy of any materials used or to be used in those programs;

11. A description of the applicant's financial analysis and initial budget plan, including, without limitation, any form or electronic model used to evaluate the financial condition of individuals;



12. A copy of each form of agreement that the applicant will use with individuals who reside in this State;

13. The schedule of fees and charges that the applicant will use with individuals who reside in this State;

14. ~~[A complete set of the fingerprints of every officer of the applicant and every employee or agent of the applicant who is authorized to have access to the trust account required by NRS 676A.570 and written permission from each individual submitting a complete set of fingerprints authorizing the Commissioner to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~—15.]~~ The names and addresses of all employers of each director during the 10 years immediately preceding the application;

~~[16.]~~ 15. A description of any ownership interest of at least 10 percent by a director, owner or employee of the applicant in:

(a) Any affiliate of the applicant; or

(b) Any entity that provides products or services to the applicant or any individual relating to the applicant's debt-management services;

~~[17.]~~ 16. If the applicant is exempt from taxation, a statement of the amount of compensation of the applicant's five most highly compensated employees for each of the 3 years immediately preceding the application or, if it has not been in operation for the 3 years preceding the application, for the period of its existence;

~~[18.]~~ 17. The identity of each director who is an affiliate, as defined in subsection 1 of NRS 676A.030 or paragraph (a), (b), (d), (e), (f) or (g) of subsection 2 of NRS 676A.030, of the applicant; and

~~[19.]~~ 18. Any other information that the Commissioner reasonably requires to perform the Commissioner's duties under NRS 676A.350.

Sec. 29. NRS 676A.340 is hereby amended to read as follows:

676A.340 1. Except as otherwise provided in subsection 2, the Commissioner shall make the information in an application for registration as a provider available to the public.

2. Except as otherwise provided in NRS 239.0115, the information required by subsections 7 ~~[,14]~~ and ~~[17]~~ 16 of NRS 676A.320 and the addresses required by subsection 4 of NRS 676A.320 are confidential and not subject to inspection by the general public.



Sec. 30. NRS 676A.350 is hereby amended to read as follows:
676A.350 1. Except as otherwise provided in subsections 3 and 4, the Commissioner shall issue a certificate of registration as a provider to a person that complies with NRS 676A.310 and 676A.320.

2. If an applicant has otherwise complied with NRS 676A.310 and 676A.320, including a timely effort to ~~{obtain the information required by subsection 14 of NRS 676A.320,}~~ *submit a complete set of fingerprints of each applicable person specified in section 25 of this act*, but the ~~{information has}~~ *fingerprints have* not been received, the Commissioner may issue a temporary certificate of registration. The temporary certificate expires not later than 180 days after issuance.

3. The Commissioner may deny registration if:

(a) The application contains information that is materially erroneous or incomplete;

(b) An officer, director or owner of the applicant has been convicted of a crime, or suffered a civil judgment, involving dishonesty or the violation of state or federal securities laws;

(c) The applicant or any of its officers, directors or owners have defaulted in the payment of money collected for others; or

(d) The Commissioner finds that the financial responsibility, experience, character or general fitness of the applicant or its owners, directors, employees or agents does not warrant belief that the business will be operated in compliance with this chapter.

4. The Commissioner shall deny registration if, with respect to an applicant that is organized as a nonprofit entity or has obtained tax-exempt status under the Internal Revenue Code, 26 U.S.C. § 501, the applicant's board of directors is not independent of the applicant's employees and agents.

5. Subject to adjustment of the dollar amount pursuant to subsection 6 of NRS 676A.730, a board of directors is not independent for purposes of subsection 4 if more than one-fourth of its members:

(a) Are affiliates of the applicant, as defined in subsection 1 of NRS 676A.030 or paragraph (a), (b), (d), (e), (f) or (g) of subsection 2 of NRS 676A.030; or

(b) After the date 10 years before first becoming a director of the applicant, were employed by or directors of a person that received from the applicant more than \$25,000 in either the current year or the preceding year.



Sec. 31. NRS 676A.360 is hereby amended to read as follows:
676A.360 1. The Commissioner shall approve or deny an initial registration as a provider within 120 days after an application is filed. In connection with a request pursuant to subsection ~~[19]~~ 18 of NRS 676A.320 for additional information, the Commissioner may extend the 120-day period for not more than 60 days. Within 7 days after denying an application, the Commissioner, in a record, shall inform the applicant of the reasons for the denial.

2. If the Commissioner denies an application for registration as a provider or does not act on an application within the time prescribed in subsection 1, the applicant may appeal and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive.

~~[3. Subject to subsection 4 of NRS 676A.370 and NRS 676A.750, a registration as a provider is valid for 1 year.]~~

Sec. 32. NRS 676A.370 is hereby amended to read as follows:
676A.370 1. A *registration as a provider* ~~[must obtain a renewal of its registration annually.]~~ *expires on December 31 of each year, unless it is renewed.*

2. An application for renewal of registration as a provider must be in a form prescribed by the Commissioner, signed under oath, and:

(a) Be filed ~~[not fewer than 30 days and not more than 60 days]~~ *on or after November 1 and on or* before ~~[the registration expires;]~~ *December 31 of each year;*

(b) Be accompanied by the fee established by the Commissioner and the bond required by NRS 676A.390;

(c) Contain the matter required for initial registration as a provider by subsections 8 and 9 of NRS 676A.320 and a financial statement, audited by an accountant licensed to conduct audits, for the applicant's fiscal year immediately preceding the application;

(d) Disclose any changes in the information contained in the applicant's application for registration or its immediately previous application for renewal, as applicable, and if an application is otherwise complete and the applicant has made a timely effort to ~~[obtain the information required by subsection 14 of NRS 676A.320]~~ *submit a complete set of fingerprints of each applicable person specified in section 25 of this act*, but the ~~[information has]~~ *fingerprints have* not been received, the Commissioner may issue a temporary renewal of registration which expires not later than 180 days after issuance;

(e) Supply evidence of insurance in an amount equal to the larger of \$250,000 or the highest daily balance in the trust account



required by NRS 676A.570 during the 6-month period immediately preceding the application:

(1) Against risks of dishonesty, fraud, theft and other misconduct on the part of the applicant or a director, employee or agent of the applicant;

(2) Issued by an insurance company authorized to do business in this State and rated at least A or equivalent by a nationally recognized rating organization approved by the Commissioner;

(3) With a deductible not exceeding \$5,000;

(4) Payable for the benefit of the applicant, this State and the individuals who are residents of this State, as their interests may appear; and

(5) Not subject to cancellation by the applicant or the insurer until 60 days after written notice has been given to the Commissioner;

(f) If the applicant has developed and implemented debt-management plans, disclose:

(1) The total amount of money received by the applicant pursuant to plans during the preceding 12 months from or on behalf of individuals who reside in this State and the total amount of money distributed to creditors of those individuals during that period; and

(2) To the best of the applicant's knowledge, the gross amount of money accumulated during the preceding 12 months pursuant to plans by or on behalf of individuals who reside in this State and with whom the applicant has agreements; and

(g) Provide any other information that the Commissioner reasonably requires to perform the Commissioner's duties under this section.

3. Except as otherwise provided in this subsection, the Commissioner shall make the information in an application for renewal of registration as a provider available to the public. Except as otherwise provided in NRS 239.0115, the information required by subsections 7 ~~[14]~~ and ~~[17]~~ 16 of NRS 676A.320 and the addresses required by subsection 4 of NRS 676A.320 are confidential and not subject to inspection by the general public.

4. If a registered provider files a timely and complete application for renewal of registration, the registration remains effective until the Commissioner, in a record, notifies the applicant of a denial and states the reasons for the denial.

5. If the Commissioner denies an application for renewal of registration as a provider, the applicant, within 30 days after



receiving notice of the denial, may appeal and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive. Subject to NRS 676A.750, while the appeal is pending, the applicant must continue to provide debt-management services to individuals with whom it has agreements. If the denial is affirmed, subject to the Commissioner's order and NRS 676A.750, the applicant must continue to provide debt-management services to individuals with whom it has agreements until, with the approval of the Commissioner, it transfers the agreements to another registered provider or returns to the individuals all unexpended money that is under the applicant's control.

6. Except as otherwise provided in this section, if an applicant for renewal of a certificate of registration as a provider fails to submit any item required in this section to the Commissioner on or after November 1 and on or before December 31 of any year, the registration is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled registration if the applicant submits to the Commissioner on or before February 28 of the following year, all information and fees required for renewal pursuant to this section.

Sec. 33. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 39, inclusive, of this act.

Sec. 34. *“Nationwide Multistate Licensing System and Registry” or “Registry” means a multistate licensing system developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and operated by the State Regulatory Registry, LLC, for the licensing and registration of non-depository financial service entities by participating state agencies, or any successor to the Nationwide Multistate Licensing System and Registry.*

Sec. 35. 1. *The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:*

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;



(c) Authorizing the Registry to collect and maintain records of applicants for and holders of licenses;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for a license or a licensee to use the Registry to:

(1) Apply for the issuance or renewal of a license;

(2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 36. *1. The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.*

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.



Sec. 37. *1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for a license or licensees, enforcement actions and other relevant information to the Registry.*

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

Sec. 38. *1. In addition to any other requirements set forth by specific statute, each applicant for the issuance of a license and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

(b) Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and



(2) *Additional independent credit reports and credit scores to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;*

(c) *Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and*

(d) *Any other information concerning the person that the Registry or Commissioner may require.*

2. *As used in this section:*

(a) *“Control” has the meaning ascribed to it in NRS 682A.047.*

(b) *“Responsible person” means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.*

Sec. 39. 1. *Each licensee shall register with and maintain a valid unique identifier with the Registry.*

2. *The Commissioner may issue a license through the Registry.*

3. *To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.*

4. *As used in this section, “unique identifier” means a number or other identifier assigned by the protocols established by the Registry.*

Sec. 40. NRS 604A.010 is hereby amended to read as follows:

604A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, *and section 34 of this act* have the meanings ascribed to them in those sections.

Sec. 41. NRS 604A.605 is hereby amended to read as follows:

604A.605 1. In addition to any other requirements set forth in this chapter, each applicant must submit ~~f~~ ~~(a) Proof~~ *proof* satisfactory to the Commissioner that the applicant:

~~f(1)~~ (a) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

~~f(2)~~ (b) Has not made a false statement of material fact on the application for the license.

~~f(3)~~ (c) Has not committed any of the acts specified in subsection 2.



~~[(4)]~~ (d) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

~~[(5)]~~ (e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~[(6)]~~ (f) If the applicant is a natural person:

~~[(1)]~~ (1) Is at least 21 years of age; and

~~[(2)]~~ (2) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

~~[(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 42. NRS 604A.640 is hereby amended to read as follows:

604A.640 1. A license issued pursuant to the provisions of this chapter expires annually on ~~[the anniversary of the issuance of the] December 31, unless it is renewed. To renew a~~ license ~~[-A] a~~ license must ~~[renew the license on or before the date on which the license expires by paying:]~~ *submit to the Commissioner on or after November 1 and on or before December 31 of each year:*

(a) *An application for renewal;*

(b) A renewal fee of not more than \$500; and

~~[(b)]~~ (c) An additional fee of not more than \$100 for each branch location at which the licensee is authorized to operate under the license.

2. ~~[A] If a~~ licensee ~~[who]~~ fails to ~~[renew his or her]~~ *submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, the* license ~~[within the time required by this section]~~ *is cancelled as of*



December 31 of that year and the licensee is not licensed pursuant to the provisions of this chapter.

~~[3.]~~ The Commissioner may reinstate ~~[an expired]~~ *a cancelled license* ~~[upon receipt of]~~ *if the licensee submits to the Commissioner on or before February 28 of the following year:*

- (a) *An application for renewal* ~~[fee];~~
- (b) *The fees required pursuant to subsection 1;* and ~~[a]~~
- (c) *A fee for reinstatement.*

~~[4.]~~ 3. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

Sec. 43. NRS 604A.750 is hereby amended to read as follows:

604A.750 1. Annually, on or before April 15, each licensee shall file with the Commissioner *and the Registry* a report of operations of the licensed business for the preceding calendar year.

~~[2.]~~ The licensee shall make the report under oath and on a form prescribed by the Commissioner.

~~[3.]~~ If any person or affiliated group holds more than one license in this State, it may file a composite annual report.

2. The Commissioner may require a licensee to file more frequent reports as the Commissioner determines necessary.

Sec. 44. Chapter 604C of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 51, inclusive, of this act.

Sec. 45. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in section 34 of this act.*

Sec. 46. 1. *The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:*

(a) *Facilitating and participating in the establishment and implementation of the Registry;*

(b) *Establishing relationships or contracts with the Registry or other entities designated by the Registry;*

(c) *Authorizing the Registry to collect and maintain records of applicants for and holders of licenses;*

(d) *Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;*



(e) *Requiring an applicant or licensee to use the Registry to:*
(1) *Apply for the issuance or renewal of a license;*
(2) *Amend or surrender a license;*
(3) *Submit any reports or the results of any examination that the Commissioner may require;*
(4) *Pay any applicable fees; and*
(5) *Engage in any other activity that the Commissioner may require; and*

(f) *Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant or licensee.*

2. *An applicant or licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.*

3. *The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.*

4. *The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.*

Sec. 47. 1. *The Commissioner may require an applicant or licensee to submit a complete set of fingerprints when the Commissioner determines necessary.*

2. *The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant or licensee.*

Sec. 48. 1. *Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants or licensees, enforcement actions and other relevant information to the Registry.*

2. *The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under*



federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

Sec. 49. 1. *In addition to any other requirements set forth by specific statute, each applicant and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

(b) Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and

(2) Additional independent credit reports and credit scores to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;

(c) Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

(d) Any other information concerning the person that the Registry or Commissioner may require.

2. As used in this section:

(a) "Control" has the meaning ascribed to it in NRS 682A.047.

(b) "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.



Sec. 50. 1. *Each licensee shall register with and maintain a valid unique identifier with the Registry.*

2. *The Commissioner may issue a license through the Registry.*

3. *To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.*

4. *As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.*

Sec. 51. 1. *A license issued pursuant to the provisions of this chapter expires on December 31 of each year, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year:*

(a) An application for renewal; and

(b) The annual license fee.

2. *If a licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:*

(a) An application for renewal; and

(b) The annual license fee.

Sec. 52. NRS 604C.010 is hereby amended to read as follows:
604C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604C.020 to 604C.170, inclusive, *and section 45 of this act* have the meanings ascribed to them in those sections.

Sec. 53. NRS 604C.510 is hereby amended to read as follows:
604C.510 1. In addition to any other requirements set forth in this chapter, each applicant must submit ~~[-~~
~~—(a) Proof]~~ *proof* satisfactory to the Commissioner that the applicant:

~~[(1)]~~ *(a)* Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

~~[(2)]~~ *(b)* Has not made a false statement of material fact on the application for the license.



~~[(3)]~~ (c) Has not committed any of the acts specified in subsection 2.

~~[(4)]~~ (d) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

~~[(5)]~~ (e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~[(6)]~~ (f) If the applicant is a natural person:

~~[(1)]~~ (1) Is at least 21 years of age; and

~~[(2)]~~ (2) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

~~[(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the denial or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for a license.

Sec. 54. NRS 604C.640 is hereby amended to read as follows:

604C.640 1. On or before January 31 of each year, a licensee shall submit a report to the Commissioner *and the Registry* containing:

(a) The number of consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year;

(b) A summation of the total funded amount of the consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year, expressed in dollars; and

(c) The annual percentage charged to each consumer when repayment was made.

2. If a licensee operated more than one office or provides consumer litigation funding to persons outside of the State, the licensee shall submit a composite report of all consumer litigation



funding transactions in which the company engaged for the immediately preceding year.

3. The Commissioner shall make the information contained in the report available to the public upon request in a manner which maintains the confidentiality of the name of each company and consumer.

4. The Commissioner may require a licensee to file more frequent reports as the Commissioner determines necessary.

Sec. 55. Chapter 628B of NRS is hereby amended by adding thereto the provisions set forth as sections 56 to 61, inclusive, of this act.

Sec. 56. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in section 34 of this act.*

Sec. 57. 1. *The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:*

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for and holders of licenses;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for or holder of a license to use the Registry to:

(1) Apply for the issuance or renewal of a license;

(2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background



check on the criminal history of an applicant for or holder of a license.

2. An applicant for or holder of a license shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 58. *1. The Commissioner may require an applicant for or holder of a license to submit a complete set of his or her fingerprints when the Commissioner determines necessary.*

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for or holder of a license.

Sec. 59. *1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for or holders of a license, enforcement actions and other relevant information to the Registry.*

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over holders of licenses without the loss of privilege or the loss of confidentiality protections provided by federal or state law.



3. *The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.*

Sec. 60. 1. *In addition to any other requirements set forth by specific statute, each applicant for the issuance of a license and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) *A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;*

(b) *Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:*

(1) *An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and*

(2) *Additional independent credit reports and credit scores to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;*

(c) *Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and*

(d) *Any other information concerning the person that the Registry or Commissioner may require.*

2. *As used in this section:*

(a) *“Control” has the meaning ascribed to it in NRS 682A.047.*

(b) *“Responsible person” means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.*

Sec. 61. 1. *Each holder of a license shall register with and maintain a valid unique identifier with the Registry.*

2. *The Commissioner may issue a license through the Registry.*



3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.

Sec. 62. NRS 628B.020 is hereby amended to read as follows:

628B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 628B.030 to 628B.100, inclusive, *and section 56 of this act* have the meanings ascribed to them in those sections.

Sec. 63. NRS 628B.310 is hereby amended to read as follows:

628B.310 1. An applicant for a license to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than \$750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) The name and residence address of each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595.

(h) A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 and 159A.0595 if issued a license.



(i) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant and each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595.

5. ~~In addition to any other requirements, each natural person who acts in any capacity within a private professional guardian company shall, before acting in any such capacity, comply with the provisions of NRS 628B.315.~~

~~6.]~~ If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

~~7.]~~ 6. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

~~8.]~~ 7. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than \$1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than \$300 for each branch office that is authorized by the Commissioner.

~~9.]~~ 8. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 64. NRS 628B.370 is hereby amended to read as follows:

628B.370 1. A ~~private professional guardian company wishing to renew a]~~ license to engage in the business of a private professional guardian ~~[shall file in the Office of]~~ *expires on*



December 31 of each year, unless it is renewed. To renew such a license, a private professional guardian company must submit to the Commissioner ~~[]~~ on or after November 1 and on or before ~~[the June 1] December 31~~ of ~~[the year after the] each~~ year ~~[of the original issuance of the license, an] :~~

(a) An application, which must contain, without limitation, the number of the license being renewed ~~[The application for renewal must be accompanied by a] and all information required to complete the application; and~~

(b) A renewal fee of not more than \$1,500 . ~~[and all information required to complete the application.]~~

2. The Commissioner shall issue a renewal license to the applicant, which must be dated ~~[July] January~~ 1 next ensuing the date of the application, in form and text similar to the original except that, in addition, the renewal must include the date and number of the earliest license issued.

3. All requirements of this chapter with respect to original licenses and bonds apply to all renewal licenses and bonds, except as otherwise provided in this section.

4. The Commissioner shall refuse to renew a license if at the time of application a proceeding to revoke or suspend the license is pending.

5. *If a private professional guardian company fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the private professional guardian company submits to the Commissioner on or before February 28 of the following year:*

(a) An application for renewal which contains the information specified in paragraph (a) of subsection 1; and

(b) The renewal fee specified in paragraph (b) of subsection 1.

6. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section. All money collected under the provisions of this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 65. NRS 628B.590 is hereby amended to read as follows:

628B.590 1. The Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.



2. If applicable, on or before ~~[the fourth Monday in January]~~ *April 15* of each year, each licensee shall submit to the Commissioner *and the Registry* the stock ledger of stockholders of the corporation required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of each member and manager required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. A list of each member and manager submitted pursuant to subsection 2 must include the percentage of each member's interest in the company, in addition to the requirements set forth in NRS 86.241.

4. If a licensee fails to submit the ledger or list required pursuant to this section within the prescribed period, the Commissioner may impose and collect a fee of not more than \$10 for each day the report is late.

5. *The Commissioner may require a licensee to file more frequent reports as the Commissioner determines necessary.*

6. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this section.

Sec. 66. Chapter 645G of NRS is hereby amended by adding thereto the provisions set forth as sections 67 to 72, inclusive, of this act.

Sec. 67. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in section 34 of this act.*

Sec. 68. 1. *The Commissioner may, in furtherance of his or her duties and the duties of the Division with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry such duties, including, without limitation:*

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for licenses and licensees;

(d) Authorizing the Registry to, on behalf of the Commissioner or the Division, as applicable, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;



(e) Requiring an applicant for a license or a licensee to use the Registry to:

- (1) Apply for the issuance or renewal of a license;*
- (2) Amend or surrender a license;*
- (3) Submit any reports or the results of any examination that the Commissioner may require;*
- (4) Pay any applicable fees; and*
- (5) Engage in any other activity that the Commissioner may require; and*

(f) Authorizing the Registry to, on behalf of the Commissioner or the Division, as applicable, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner or the Division to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 69. *1. The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.*

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.

Sec. 70. *1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for licenses or licensees, enforcement actions and other relevant information to the Registry.*



2. *The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.*

3. *The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.*

Sec. 71. 1. *In addition to any other requirements set forth in this chapter, each applicant for the issuance of a license pursuant to this chapter and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) *A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;*

(b) *Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:*

(1) *An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and*

(2) *Additional independent credit reports and credit scores to confirm that the person continues to comply with any applicable requirements concerning financial responsibility;*

(c) *Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and*

(d) *Any other information concerning the person that the Registry or Commissioner may require.*



2. As used in this section:

(a) "Control" has the meaning ascribed to it in NRS 682A.047.

(b) "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.

Sec. 72. *1. Each licensee shall register with and maintain a valid unique identifier with the Registry.*

2. The Commissioner may, on behalf of the Division, issue a license through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties or the duties of the Division with respect to the issuance and renewal of licenses as authorized by the provisions of this chapter, any reference to the Commissioner or the Division in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.

Sec. 73. NRS 645G.010 is hereby amended to read as follows:

645G.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645G.020 to 645G.060, inclusive, **and section 67 of this act** have the meanings ascribed to them in those sections.

Sec. 74. NRS 645G.100 is hereby amended to read as follows:

645G.100 1. Except as otherwise provided in NRS 645G.120, a person shall not act as an exchange facilitator unless he or she is licensed as such with the Division. The Division may adopt such regulations as it deems necessary to carry out the provisions of this chapter, including, without limitation, regulations prescribing amounts required for liquidity purposes.

2. To apply for a license as an exchange facilitator, a person must pay the Division the fee prescribed by NRS 645G.220.

3. In addition to the requirements set forth in subsection 2, the person must submit to the Division:

(a) The following information on a form provided by the Division:

(1) The applicant's name, business address and telephone number;

(2) The name under which the applicant will hold the money or other property of a client;

(3) The names, residence and business addresses of all shareholders or members who hold 10 percent or more of the voting stock of the applicant's business and all persons having an interest



in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each;

(4) The length of time the applicant has been engaged in the business of acting as an exchange facilitator;

(5) A summary description of the business of the applicant;

(6) A list of any similar licenses obtained and maintained in other states or other jurisdiction and information regarding revocation of any such license;

(7) The tax identification number of the applicant; and

(8) A current certificate of good standing for the applicant from the state or other jurisdiction in which the applicant's business is formed; and

(b) All information required to complete the application.

4. ~~Each applicant must, as part of the application and at his or her own expense:~~

~~—(a) Arrange to have taken, by a law enforcement agency or other authorized entity acceptable to the Division, a complete set of the applicant's fingerprints and the fingerprints of each person or officer who will be conducting the business of the applicant in this State and who has authority to transfer exchange money held by the applicant; and~~

~~—(b) Submit to the Division:~~

~~—(1) A completed fingerprint card and written permission authorizing the Division to submit the fingerprints described in paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the background of each person whose fingerprints were taken and to such other law enforcement agencies as the Division deems necessary; or~~

~~—(2) Written verification, on a form prescribed by the Division, stating that the fingerprints described in paragraph (a) were taken and directly forwarded electronically or by another means to the Central Repository and that each person whose fingerprints were taken 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 background of each such person and to such other law enforcement agencies as the Division deems necessary.~~

~~5. The Division may:~~

~~—(a) Unless the fingerprints described in paragraph (a) of subsection 4 are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the~~



~~Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and~~

~~—(b) Request from each such agency any information regarding the background of each person whose fingerprints were taken as the Division deems necessary.~~

~~—6.]~~ The Division shall approve an application submitted pursuant to this section within 45 days after the submission of the completed application, any additional information required by the Division and proof satisfactory to the Division that the applicant has complied with the provisions of NRS 645G.320. Upon approval of an application, the Division shall issue a license to the applicant.

~~[7.]~~ 5. A license issued pursuant to this chapter *expires on December 31 of each year unless it is renewed. To renew such a license, the licensee* must ~~[be renewed annually]~~ *submit to the Commissioner on or after November 1 and on or before* ~~[July 1, by providing]~~ *December 31 of each year:*

(a) *An application for renewal which contains* the information required by the Division for that purpose ; and ~~[paying a]~~

(b) A renewal fee prescribed by NRS 645G.220.

Sec. 75. NRS 645G.180 is hereby amended to read as follows:
645G.180 ~~[H]~~

1. *Except as otherwise provided in subsection 2, if* a licensee fails to ~~[apply]~~ *submit any item required* for ~~[a]~~ *the renewal of his or her license* ~~[before the date of the expiration thereof,]~~ *pursuant to NRS 645G.100, 645G.200 or 645G.210, as applicable, to the Commissioner on or after November 1 and on or before December 31 of any year, the license is cancelled as of December 31 of that year and* no license may be issued to the licensee except upon another application for an original license . ~~[, except that within 1 year of such expiration a renewal may be issued upon payment of a]~~

2. *The Commissioner may reinstate a license which has been cancelled pursuant to subsection 1 if the licensee submits to the Commissioner on or before February 28 of the year following the cancellation of the license:*

(a) *An application for renewal which contains the information required by the Division for that purpose; and*

(b) A fee one and one-half times the amount otherwise required for renewal.

Sec. 76. NRS 645G.200 is hereby amended to read as follows:
645G.200 1. A person who is licensed as an exchange facilitator in another state or territory of the United States and is not otherwise required to be licensed pursuant to the provisions of this



chapter may submit an application for a reciprocal license as an exchange facilitator pursuant to the provisions of this section. The Division shall issue a reciprocal license to the applicant if:

(a) The applicant is licensed in a jurisdiction that grants reciprocal licensing to a person licensed pursuant to this chapter;

(b) The Division determines that the laws and regulations governing exchange facilitators of the jurisdiction in which the applicant is licensed are at least equivalent to the provisions of this chapter;

(c) The applicant provides proof satisfactory to the Division that the applicant has complied with the requirements of NRS 645G.320 and 645G.330;

(d) The applicant pays the fee required pursuant to NRS 645G.220;

(e) The applicant designates the Division as its representative to receive service of process for matters arising in this State; and

(f) The applicant does not maintain an office in this State in connection with the conduct of the business of an exchange facilitator.

2. The Division shall:

(a) Examine the laws of each state to identify the jurisdictions that meet the requirements for recognition of a reciprocal license pursuant to this section; and

(b) Publish annually a list of the jurisdictions that meet the requirements of this section.

3. A license issued pursuant to this section *expires on December 31 of each year unless it is renewed. To renew such a license, the licensee must ~~[be renewed annually]~~ submit to the Commissioner on or after November 1 and on or before ~~[July 1, by providing]~~ December 31 of each year:*

(a) An application for renewal which contains the information required by the Division for that purpose ; and ~~[paying the]~~

(b) The renewal fee prescribed by NRS 645G.220.

Sec. 77. NRS 645G.210 is hereby amended to read as follows:

645G.210 1. A financial institution may obtain a special license pursuant to this section.

2. The Division shall issue a special license to a financial institution if the financial institution:

(a) Maintains an office in this State;

(b) Pays the fee required pursuant to NRS 645G.220 for the issuance of a license; and

(c) Complies with any other requirements set forth by regulations adopted by the Division.



3. A financial institution which obtains a special license pursuant to this section is exempt from the requirements of subsections 2 ~~[to 7, inclusive,]~~, **3 and 4** of NRS 645G.100 except as otherwise required by regulations adopted by the Division.

4. A license issued pursuant to this section *expires on December 31 of each year unless it is renewed. To renew such a licensee, the licensee must ~~[be renewed annually]~~ submit to the Commissioner on or after November 1 and on or before ~~[July 1 by providing]~~ December 31 of each year:*

(a) An application for renewal which contains the information required by the Division for that purpose ; and ~~[paying the]~~

(b) The renewal fee prescribed by NRS 645G.220.

Sec. 78. Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections 79 to 84, inclusive, of this act.

Sec. 79. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in section 34 of this act.*

Sec. 80. 1. *The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses and certificates pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:*

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for and holders of licenses and certificates;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with the issuance or renewal of licenses or certificates, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for or the holder of a license or certificate to use the Registry to:

(1) Apply for the issuance or renewal of a license or certificate;

(2) Amend or surrender a license or certificate;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and



(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for or the holder of a license or certificate.

2. An applicant for or the holder of a license or certificate shall, in addition to any other fees associated with the license or certificate, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license or certificate.

Sec. 81. *1. The Commissioner may require an applicant for or the holder of a license or certificate to submit a complete set of his or her fingerprints when the Commissioner determines necessary.*

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for or the holder of a license or certificate.

Sec. 82. *1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for or holders of a license or certificate, enforcement actions and other relevant information to the Registry.*

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been



disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over applicants for or holders of a license or certificate without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

Sec. 83. 1. *In addition to any other requirements set forth in this chapter, each applicant for the issuance of a license or certificate pursuant to this chapter and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:*

(a) A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

(b) Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and

(2) Additional independent credit reports and credit scores to confirm that the person continues to comply with any applicable requirements concerning financial responsibility;

(c) Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

(d) Any other information concerning the person that the Registry or Commissioner may require.

2. As used in this section:

(a) “Control” has the meaning ascribed to it in NRS 682A.047.

(b) “Responsible person” means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.



Sec. 84. 1. *Each holder of a license or certificate issued pursuant to this chapter shall register with and maintain a valid unique identifier with the Registry.*

2. *The Commissioner may issue a license or certificate through the Registry.*

3. *To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses and certificates as authorized by the provisions of this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.*

4. *As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.*

Sec. 85. NRS 649.005 is hereby amended to read as follows:

649.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 649.010 to 649.035, inclusive, *and section 79 of this act* have the meanings ascribed to them in those sections.

Sec. 86. NRS 649.095 is hereby amended to read as follows:

649.095 1. An application for a license must be in writing and filed with the Commissioner on a form provided for that purpose.

2. The application must state:

(a) The name of the applicant and the name under which the applicant does business or expects to do business.

(b) The address of the applicant's business and residence, including street and number.

(c) The character of the business sought to be carried on.

(d) The locations by street and number where the business will be transacted.

(e) In the case of a firm or partnership, the full names and residential addresses of all members or partners and the name and residential address of the manager.

(f) In the case of a corporation or voluntary association, the name and residential address of each of the directors and officers and the name and residential address of the manager.

(g) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

(h) All information required to complete the application.

3. ~~In addition to any other requirements, each applicant or member, partner, director, officer or manager of an applicant shall submit to the Commissioner a complete set of fingerprints and~~



~~written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~—4.]~~ The application must be subscribed by the applicant and acknowledged.

~~[5.]~~ 4. Every applicant may be examined concerning the applicant's competency, experience, character and qualifications by the Commissioner or the Commissioner's authorized agent, and if the examination reveals that the applicant lacks any of the required qualifications, issuance of the license must be denied. Every application must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

~~[6.]~~ 5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 87. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must meet the qualifications to do business as a collection agency in this State;

(b) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(c) Must submit proof to the Commissioner, upon application and upon each annual renewal of the certificate of registration, that the person and his or her employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim;

(2) Respond to a bid, proposal or invitation for the right to collect or receive payment for another of any claim, unless the bid,



proposal or invitation is for the collection of claims owed by residents of another state; or

(3) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(d) When collecting claims against debtors who are present in this State, must:

(1) Limit his or her activities and those of his or her employees and agents to interstate communications by telephone, mail or facsimile;

(2) Limit his or her activities and those of his or her employees and agents to the collection of claims from residents of this State on behalf of residents of another state; and

(3) Comply with the requirements of NRS 649.305 to 649.375, inclusive, with regard to his or her activities and those of his or her employees and agents;

(e) Must pay:

(1) A fee to apply for a certificate of registration of not less than \$200 prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than \$200;

(f) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(g) Must maintain the accounts, books and records of the collection agency in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(h) Must pay any fees related to any examination of the accounts, books and records of the collection agency conducted by the Commissioner pursuant to subsection ~~3~~ 5.

3. A certificate of registration issued pursuant to this section expires on December 31 of each year, unless it is renewed. To renew a certificate of registration, a foreign collection agency must submit to the Commissioner:

(a) An application for renewal which contains, without limitation, the information specified in paragraph (c) of subsection 2; and

(b) The renewal fee specified in subparagraph (2) of paragraph (e) of subsection 2.

4. If a foreign collection agency fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, the



certificate of registration of the foreign collection agency is cancelled as of December 31 of that year. The Commissioner shall not reinstate a certificate of registration that has been cancelled pursuant to this subsection.

5. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

~~4.~~ 6. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

~~5.~~ 7. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 88. NRS 649.196 is hereby amended to read as follows:

649.196 1. Each applicant for a manager's certificate must submit proof satisfactory to the Commissioner that the applicant:

(a) Is at least 21 years of age.

(b) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

(c) Has not committed any of the acts specified in NRS 649.215.

(d) Has not had a collection agency license or manager's certificate suspended or revoked within the 10 years immediately preceding the date of filing the application.

(e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(f) Has had not less than 2 years' full-time experience with a collection agency in the collection of accounts assigned by creditors who were not affiliated with the collection agency except as assignors of accounts. At least 1 year of the 2 years of experience must have been within the 18-month period preceding the date of filing the application.

2. Each applicant must:

(a) Pass the examination or reexamination provided for in NRS 649.205.

(b) Pay the required fees.



(c) Submit, in such form as the Commissioner prescribes ~~[;~~
~~(1) Three], three~~ recent photographs . ~~;~~ ~~and~~
~~(2) Three complete sets of fingerprints which the~~
~~Commissioner may forward to the Central Repository for Nevada~~
~~Records of Criminal History for submission to the Federal Bureau~~
~~of Investigation for its report.]~~

(d) Submit such other information reasonably related to his or her qualifications for the manager's certificate as the Commissioner determines to be necessary.

3. The Commissioner may refuse to issue a manager's certificate if the applicant does not meet the requirements of subsections 1 and 2.

4. If the Commissioner refuses to issue a manager's certificate pursuant to this section, the Commissioner shall notify the applicant in writing by certified mail stating the reasons for the refusal. The applicant may submit a written request for a hearing within 20 days after receiving the notice. If the applicant fails to submit a written request within the prescribed period, the Commissioner shall enter a final order.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 89. NRS 649.245 is hereby amended to read as follows:

649.245 1. A ~~[collection agency or manager desiring a renewal of a]~~ license or certificate ~~[which will expire shall file in the Office of]~~ *expires on December 31 of each year, unless it is renewed. To renew a license or certificate, a collection agency or manager must submit to the Commissioner [;] on or after November 1 and on or before [June 1 in] December 31 of each year [following the year of original issuance, a] :*

(a) A renewal application, [stating in addition to] which includes, without limitation, the matters required in the original application , the date and number of the license or certificate which will expire [The renewal application must be accompanied by the] and all other information required to complete the renewal application; and



(b) *The renewal fee . [~~and all information required to complete the renewal application.~~]*

2. The Commissioner shall issue a renewal license or certificate to the applicant, which must be dated ~~[July]~~ *January* 1 next ensuing the date of the application, in form and text like the original except that, in addition, the renewal must include the date and number of the earliest license or certificate issued.

3. All requirements of this chapter with respect to original certificates, licenses and bonds apply with like force to all renewal certificates, licenses and bonds except as otherwise specified in this section.

4. The Commissioner shall refuse to renew a certificate or license if at the time of application a proceeding to revoke or suspend the certificate or license is pending.

5. If a collection agency or manager fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, the license or certificate is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license or certificate if the collection agency or manager submits to the Commissioner on or before February 28 of the following year:

(a) A renewal application which includes the information specified in paragraph (a) of subsection 1; and

(b) The renewal fee.

Sec. 90. NRS 649.345 is hereby amended to read as follows:

649.345 1. Each licensed collection agency shall file with the Commissioner *and the Registry* a written report, signed and sworn to by its manager, no later than ~~[January 31]~~ *April 15* of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) The total sum of money due to all creditors as of the close of the last business day of the preceding month.

(b) The total sum on deposit in customer trust fund accounts and available for immediate distribution as of the close of the last business day of the preceding month, the title of the trust account or accounts, and the name of the banks or credit unions where the money is deposited.

(c) The total amount of creditors' or forwarders' share of money collected more than 60 days before the last business day of the preceding month and not remitted by that date.

(d) When the total sum under paragraph (c) exceeds \$10, the name of each creditor or forwarder and the respective share of each in that sum.



(e) Such other information, audit or reports as the Commissioner may require.

2. *The Commissioner may require a licensed collection agency to file more frequent reports as the Commissioner determines necessary.*

3. The filing of any report required by this section which is known by the collection agency to contain false information or statements constitutes grounds for the suspension of the agency's license or the manager's certificate, or both.

Sec. 91. As soon as practicable after determining that the Nationwide Multistate Licensing System and Registry, as defined in section 34 of this act, has sufficient capabilities to allow the Commissioner of Financial Institutions to carry out the amendatory provisions of sections 1 to 90, inclusive, of this act, the Commissioner of Financial Institutions shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish notice to the public of that fact on the Internet website of the Division of Financial Institutions of the Department of Business and Industry.

Sec. 92. 1. This section and section 91 of this act become effective upon passage and approval.

2. Sections 1 to 90, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On the date on which the Commissioner of Financial Institutions, pursuant to section 91 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that the Nationwide Multistate Licensing System and Registry, as defined in section 34 of this act, has sufficient capabilities to allow the Commissioner to carry out the amendatory provisions of sections 1 to 90, inclusive, for all other purposes.

