
ASSEMBLY BILL NO. 21—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE DIVISION OF FINANCIAL INSTITUTIONS
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions related to persons engaged in the transmission of money and certain related activities. (BDR 55-273)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to financial services; revising the powers and duties of the Commissioner of Financial Institutions with respect to the licensure and regulation of persons engaged in the business of money transmission; exempting certain persons from provisions governing money transmission; revising provisions relating to the issuance and renewal of licenses to engage in the business of money transmission; revising provisions relating to the confidentiality of certain records maintained by the Commissioner; imposing certain requirements and restrictions on applicants for a license, licensees, authorized delegates, key individuals and persons seeking to acquire control of a licensee; setting forth certain requirements for transactions involving money transmission; revising provisions relating to the suspension, revocation or denial of renewal of a license; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law provides for the licensure and regulation by the Commissioner of
2 Financial Institutions of persons engaged in the business of selling or issuing
3 checks or of receiving for transmission or transmitting money or credits. (Chapter
4 671 of NRS) This bill adds to, revises and repeals various provisions in the existing
5 statutory scheme governing the licensure and regulation of such persons for the
6 purposes of establishing a statutory scheme governing persons engaged in the
7 business of money transmission which is modeled, in general, after the Model
8 Money Transmission Modernization Act approved by the Conference of State Bank
9 Supervisors.

10 **Sections 4-32** of this bill define words and terms for the purposes of this bill.
11 **Section 20** of this bill defines "money transmission" to mean: (1) selling or issuing
12 payment instruments to a person located in this State; (2) selling or issuing stored
13 value to a person located in this State; or (3) receiving money or credits for
14 transmission from a person located in this State. **Section 20** provides that the term
15 includes payroll processing services and does not include the provision of certain
16 other services.

17 **Section 66** of this bill exempts certain specified persons from the provisions of
18 this bill. **Section 34** of this bill authorizes the Commissioner to exempt additional
19 persons under certain circumstances. **Section 35** of this bill authorizes the
20 Commissioner to require any person claiming an exemption to provide certain
21 proof of that exemption.

22 Existing law provides that certain reports relating to investigations, hearings
23 and examinations conducted by the Commissioner to determine whether a licensee
24 or other person has committed a violation of the provisions governing money
25 transmission are confidential. (NRS 671.170) **Sections 37 and 82** of this bill make
26 certain additional information and documents confidential and set forth the
27 circumstances under which such information and documents may be disclosed.

28 **Section 36** of this bill authorizes the Commissioner to engage in various
29 activities to carry out the purposes of the provisions of this bill, including, among
30 other things, imposing proportionate and equitable fees and costs for actions
31 required to achieve the purposes of this bill.

32 **Section 67** of this bill prohibits a person from engaging in the business of
33 money transmission unless the person: (1) has been issued a license; or (2) is an
34 authorized delegate of a licensee that is acting within the scope of authority
35 conferred by a written contract with the licensee. **Section 68** of this bill sets forth
36 certain requirements for an application for a license. **Section 69** of this bill sets
37 forth the circumstances under which the Commissioner is required to issue a license
38 to an applicant. **Section 70** of this bill sets forth certain requirements for the
39 renewal of a license.

40 **Section 38** of this bill requires a licensee who wishes to engage in the business
41 of money transmission through an authorized delegate to: (1) enter into a written
42 contract with the authorized delegate that meets certain requirements; and (2) take
43 certain other actions. **Section 71** of this bill makes a conforming change to refer to
44 an authorized delegate instead of a duly appointed agent.

45 Existing law requires all money or credit received by an agent of a licensee
46 from the sale and issuance of checks or for the purpose of transmission to be
47 remitted to the licensee or deposited with a bank or credit union authorized to do
48 business in this State within a certain amount of time following the receipt of the
49 money or credits. (NRS 671.150) **Sections 38, 40 and 77** of this bill revise
50 requirements regarding the remittance of money, credits or monetary value by a
51 person who engages in money transmission on behalf of a licensee. **Section 77**
52 requires all money, credits and monetary value received by an authorized delegate
53 for money transmission to be remitted to the licensee. **Section 38** defines "remit" to
54 mean, in general, to make a direct payment of money, credits or monetary value to



55 a licensee or to deposit money in an account in a bank or credit union specified by
56 the licensee. **Section 38** provides that all money net of fees received by an
57 authorized delegate from money transmission is held in trust by the authorized
58 delegate to the benefit of the licensee. **Section 40** provides that an authorized
59 delegate who knowingly fails to remit money held in trust for the benefit of a
60 licensee is guilty of a misdemeanor.

61 **Section 39** of this bill provides that a person who engages in the business of
62 money transmission on behalf of an unlicensed person who is not exempt from
63 licensure is jointly and severally liable with the person.

64 **Sections 40-44** of this bill set forth certain requirements relating to transactions
65 involving money transmission. **Section 33** of this bill sets forth the method for
66 determining whether a transaction involving money transmission takes place in this
67 State.

68 Existing law requires a licensee to at all times maintain certain securities or
69 assets having a value that is equal to or more than the aggregate liability of the
70 licensee with respect to checks sold and issued and money or credits received for
71 transmission. (NRS 671.150) **Section 77** eliminates that requirement. **Section 45** of
72 this bill instead requires a licensee to maintain at all times permissible investments
73 with a market value of not less than the aggregate amount of all of the outstanding
74 money transmission obligations, as defined in **section 23** of this bill, of the
75 licensee. **Sections 46 and 47** of this bill set forth the investments that qualify as
76 permissible investments for the purposes of **section 45**.

77 Existing law requires a licensee to have in force a surety bond meeting certain
78 requirements. (NRS 671.100) **Section 74** of this bill revises the requirements for
79 such a surety bond. **Section 49** of this bill requires a licensee to at all times
80 maintain a tangible net worth in a specified amount. **Sections 56-61** of this bill
81 impose certain requirements on a licensee concerning reporting and recordkeeping.
82 **Section 78** of this bill eliminates certain reporting requirements for a licensee.

83 Existing law requires the rates charged for services related to money
84 transmission to be posted in every place of business licensed or covered by a
85 license. (NRS 671.140) **Section 76** of this bill additionally requires such rates to be
86 posted on the Internet website of each licensee and authorized delegate.

87 **Section 50** of this bill requires a person or group of persons acting in concert
88 seeking to acquire control of a licensee to obtain the approval of the Commissioner
89 before acquiring control of the licensee. **Section 50** sets forth the process for
90 obtaining such approval. **Section 51** of this bill establishes a process by which a
91 person may request that the Commissioner determine whether the person would be
92 considered a person in control of a licensee upon consummation of a proposed
93 transaction. **Section 52** of this bill sets forth certain persons who are not required to
94 comply with the requirements of **section 50** under certain circumstances.

95 **Section 53** of this bill requires a licensee to provide certain notice to the
96 Commissioner if the licensee adds or replaces a "key individual," which **section 13**
97 of this bill defines, in general, to mean any natural person ultimately responsible for
98 establishing or directing policies and procedures of a licensee. **Section 53**
99 authorizes the Commissioner to disapprove a key individual under certain
100 circumstances.

101 Existing law authorizes the Commissioner to participate in the Nationwide
102 Multistate Licensing System and Registry and sets forth various actions the
103 Commissioner is authorized to take relating to participating in the Registry. (NRS
104 671.092) **Section 72** of this bill authorizes the Commissioner to take certain
105 additional actions relating to the Registry. **Section 54** of this bill authorizes the
106 Commissioner to participate in certain multistate supervisory processes.

107 Existing law requires an applicant for a license and certain other persons to
108 submit to the Registry a complete set of fingerprints and certain information
109 relating to the background of the person. (NRS 671.098) **Section 73** of this bill: (1)



110 requires certain additional information to be submitted to the Commissioner
111 through the Registry; and (2) revises the list of persons who are required to submit
112 a complete set of fingerprints and such information.

113 **Section 75** of this bill revises provisions relating to examinations of licensees
114 conducted by the Commissioner.

115 Existing law authorizes the Commissioner to issue an order requiring the
116 immediate cessation of the business of a licensee under certain circumstances.
117 (NRS 671.160) **Section 63** of this bill authorizes the Commissioner to issue an
118 order requiring a licensee or authorized delegate to cease and desist certain
119 violations. **Section 62** of this bill authorizes the Commissioner to issue an order
120 suspending or revoking the designation of an authorized delegate under certain
121 circumstances. **Section 64** of this bill authorizes the Commissioner to resolve a
122 matter arising from a violation or alleged violation by a person through a consent
123 order.

124 **Section 79** of this bill revises the list of acts that constitute grounds for
125 suspension, revocation or denial of renewal of a license. **Section 48** of this bill
126 authorizes the Commissioner to suspend or revoke the license of a licensee if the
127 licensee does not continue to meet the requirements applicable to an applicant for a
128 license.

129 **Section 80** of this bill authorizes the Commissioner to impose a civil penalty
130 for any violation of the provisions of this bill of not more than \$1,000 per day of
131 the violation. **Section 81** of this bill provides that any person who, without a
132 license, knowingly engages in any activity for which a license is required is guilty
133 of a misdemeanor.

134 **Section 55** of this bill provides that, if a provision of this bill is inconsistent
135 with a federal law governing money transmission, the federal law governs to the
136 extent of the inconsistency. **Section 65** of this bill requires that consideration of the
137 need to promote uniformity of the law with respect to money transmission be given
138 in applying and construing the provisions of this bill.

139 **Section 83** of this bill authorizes a person who is licensed on June 30, 2023, to
140 engage in the business of selling or issuing checks or of receiving for transmission
141 money or credits to continue engaging in such business in accordance with the
142 provisions of existing law as they existed before July 1, 2023, until January 1,
143 2024.

144 **Section 84** of this bill repeals certain provisions relating to an agent of a
145 licensee and certain qualifications for licensure. **Section 84** also repeals the
146 definition of “check,” “licensee” and “Nationwide Multistate Licensing System and
147 Registry.” **Sections 14 and 22** of this bill, respectively, reenact the definitions of
148 “licensee” and “Nationwide Multistate Licensing System and Registry.” **Section 1**
149 of this bill makes a conforming change to reflect the terminology used to describe
150 persons licensed to engage in the business of money transmission as set forth in this
151 bill.

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

1 **Section 1.** NRS 658.098 is hereby amended to read as follows:
2 658.098 1. On a quarterly or other regular basis, the
3 Commissioner shall collect an assessment pursuant to this section
4 from each:

5 (a) Check-cashing service or deferred deposit loan service that is
6 supervised pursuant to chapter 604A of NRS;



1 (b) Collection agency that is supervised pursuant to chapter 649
2 of NRS;

3 (c) Bank that is supervised pursuant to chapters 657 to 668,
4 inclusive, of NRS;

5 (d) Trust company or family trust company that is supervised
6 pursuant to chapter 669 or 669A of NRS;

7 (e) Person engaged in the business of ~~selling or issuing checks~~
8 ~~or of receiving for transmission or transmitting~~ money ~~[or credits]~~
9 *transmission* that is supervised pursuant to chapter 671 of NRS;

10 (f) Savings and loan association or savings bank that is
11 supervised pursuant to chapter 673 of NRS;

12 (g) Person engaged in the business of lending that is supervised
13 pursuant to chapter 675 of NRS;

14 (h) Thrift company that is supervised pursuant to chapter 677 of
15 NRS; and

16 (i) Credit union that is supervised pursuant to chapter 672 of
17 NRS.

18 (j) Consumer litigation funding company that is supervised
19 pursuant to chapter 604C of NRS.

20 2. The Commissioner shall determine the total amount of all
21 assessments to be collected from the entities identified in subsection
22 1, but that amount must not exceed the amount necessary to recover
23 the cost of legal services provided by the Attorney General to the
24 Commissioner and to the Division of Financial Institutions. The
25 total amount of all assessments collected must be reduced by any
26 amounts collected by the Commissioner from an entity for the
27 recovery of the costs of legal services provided by the Attorney
28 General in a specific case.

29 3. The Commissioner shall collect from each entity identified
30 in subsection 1 an assessment that is based on:

31 (a) A portion of the total amount of all assessments as
32 determined pursuant to subsection 2, such that the assessment
33 collected from an entity identified in subsection 1 shall bear the
34 same relation to the total amount of all assessments as the total
35 assets of that entity bear to the total of all assets of all entities
36 identified in subsection 1; or

37 (b) Any other reasonable basis adopted by the Commissioner.

38 4. The assessment required by this section is in addition to any
39 other assessment, fee or cost required by law to be paid by an entity
40 identified in subsection 1.

41 5. Money collected by the Commissioner pursuant to this
42 section must be deposited in the State Treasury pursuant to the
43 provisions of NRS 658.091.



1 **Sec. 2.** Chapter 671 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 3 to 65, inclusive, of this
3 act.

4 **Sec. 3.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 4 to 32,*
6 *inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 4.** *“Authorized delegate” means a person designated by*
9 *a licensee to engage in money transmission on behalf of the*
10 *licensee.*

11 **Sec. 5.** *“Average daily money transmission liability” means*
12 *the amount of the outstanding money transmission obligations of*
13 *the licensee in this State at the end of each day in a calendar*
14 *quarter, added together and divided by the number of days in the*
15 *calendar quarter.*

16 **Sec. 6.** *“Bank Secrecy Act” means the Bank Secrecy Act, 31*
17 *U.S.C. §§ 5311 et seq., as amended, and the regulations adopted*
18 *pursuant thereto.*

19 **Sec. 7.** *“Calendar quarter” has the meaning ascribed to it in*
20 *NRS 702.020.*

21 **Sec. 8.** *“Closed loop stored value” means stored valued that*
22 *is redeemable by the issuer only for goods or services provided by*
23 *the issuer, its affiliate or a franchisee of the issuer or its affiliate,*
24 *except to the extent required by applicable law to be redeemable in*
25 *cash for its cash value.*

26 **Sec. 9. 1. “Control” means:**

27 (a) *The power to vote, directly or indirectly, at least 25 percent*
28 *of the outstanding voting shares or voting interests of a licensee or*
29 *person in control of a licensee;*

30 (b) *The power to elect or appoint a majority of key individuals*
31 *or executive officers, managers, directors, trustees or other*
32 *persons exercising managerial authority of a person in control of*
33 *a licensee; or*

34 (c) *The power to exercise, directly or indirectly, a controlling*
35 *influence over the management or policies of a licensee or person*
36 *in control of a licensee.*

37 2. *A person is presumed to exercise control if the person*
38 *holds the power to vote, directly or indirectly, at least 10 percent of*
39 *the outstanding voting shares or voting interests of a licensee or*
40 *person in control of a licensee. This presumption may be rebutted*
41 *by a showing that the person is a passive investor.*

42 3. *In determining the percentage of a person controlled by*
43 *any other person, the interest of the person must be aggregate with*
44 *the interest of any other immediate family member. For the*
45 *purposes of this subsection, “immediate family member” means*



1 *the spouse, parent, child, sibling, mother-in-law, father-in-law,*
2 *son-in-law, daughter-in-law, brother-in-law and sister-in-law of a*
3 *person and any person who shares the home of the person.*

4 **Sec. 10.** 1. *“Eligible rating” means a credit rating that is*
5 *within any of the three highest rating categories of a least one*
6 *eligible rating service. Each rating category may include category*
7 *modifiers such as “plus” or “minus” for Standard and Poor’s*
8 *Rating Services or the equivalent for any other eligible rating*
9 *service.*

10 2. *The term includes:*

11 (a) *A long-term credit rating of “A-” or higher by Standards*
12 *and Poor’s Rating Services or the equivalent from any other*
13 *eligible rating service.*

14 (b) *A short-term credit rating of “A-2” or “SP-2” or higher by*
15 *Standard and Poor’s Rating Services or the equivalent form any*
16 *other eligible rating service.*

17 **Sec. 11.** *“Eligible rating service” means any nationally*
18 *recognized statistical rating organization, as defined in 15 U.S.C.*
19 *§ 78c, or any other organization designated by the Commissioner.*

20 **Sec. 12.** *“Federally insured depository financial institution”*
21 *means a bank, credit union, savings and loan association, savings*
22 *association, savings bank, industrial bank or industrial loan*
23 *company organized under the laws of any state or of the United*
24 *States, when the bank, credit union, savings and loan association,*
25 *savings association, savings bank, industrial bank or industrial*
26 *loan company has deposits which are federally insured.*

27 **Sec. 13.** *“Key individual” means any natural person*
28 *ultimately responsible for establishing or directing policies and*
29 *procedures of a licensee, such as an executive officer, manager,*
30 *director or trustee.*

31 **Sec. 14.** *“Licensee” means any person licensed under this*
32 *chapter.*

33 **Sec. 15.** *“Material litigation” means litigation that,*
34 *according to generally accepted accounting principles in the*
35 *United States, is significant to the financial health of a person and*
36 *would be required to be disclosed by the person in an annual*
37 *audited financial statement, report to shareholders or similar*
38 *record.*

39 **Sec. 16.** *“Monetary value” means a medium of exchange,*
40 *whether or not redeemable in money.*

41 **Sec. 17.** *“Money” means a medium of exchange that is*
42 *authorized or adopted by the United States or a foreign*
43 *government. The term includes a monetary unit of account*
44 *established by an intergovernmental organization or by agreement*
45 *between two or more governments.*



1 **Sec. 18.** *“Money or credits received for transmission” means*
2 *any money, credits or monetary value received in the United States*
3 *for transmission within or outside the United States by electronic*
4 *or other means.*

5 **Sec. 19.** *“Money services business accredited state” means a*
6 *state agency that is accredited by the Conference of State Bank*
7 *Supervisors and the Money Transmitter Regulators Association*
8 *for money transmission licensing and supervision.*

9 **Sec. 20.** 1. *“Money transmission” means any of the*
10 *following:*

11 (a) *Selling or issuing payment instruments to a person located*
12 *in this State.*

13 (b) *Selling or issuing stored value to a person located in this*
14 *State.*

15 (c) *Receiving money or credits for transmission from a person*
16 *located in this State.*

17 2. *The term includes payroll processing services.*

18 3. *The term does not include the provision solely of online or*
19 *telecommunications services or network access.*

20 **Sec. 21.** *“Multistate licensing process” means any agreement*
21 *entered into by and among state regulators relating to coordinated*
22 *processing of applications for money transmission licenses,*
23 *applications for the acquisition of control of a licensee, control*
24 *determinations or notice and information requirements for a*
25 *change of key individuals.*

26 **Sec. 22.** *“Nationwide Multistate Licensing System and*
27 *Registry” or “Registry” has the meaning ascribed to it in*
28 *NRS 604A.083.*

29 **Sec. 23.** 1. *“Outstanding money transmission obligation”*
30 *means:*

31 (a) *Any payment instrument or stored value issued or sold by a*
32 *licensee to a person located in the United States or reported as sold*
33 *by an authorized delegate of the licensee to a person that is located*
34 *in the United States that has not yet been paid or refunded by or*
35 *for the licensee or escheated in accordance with applicable*
36 *abandoned property laws; or*

37 (b) *Any money or credits received for transmission by a*
38 *licensee or an authorized delegate in the United States from a*
39 *person located in the United States that has not yet been received*
40 *by the payee or refunded to the sender or escheated in accordance*
41 *with the applicable abandoned property laws.*

42 2. *For the purposes of this section, a person is located in the*
43 *United States if the person is located in any state, territory or*
44 *possession of the United States, the District of Columbia, the*



1 *Commonwealth of Puerto Rico or a United States military*
2 *installation that is located in a foreign county.*

3 **Sec. 24.** *“Passive investor” means a person that:*

4 *1. Does not have the power to elect a majority of key*
5 *individuals or executive officers, managers, directors, trustees or*
6 *other persons exercising managerial authority of a person in*
7 *control of a licensee;*

8 *2. Is not employed by and does not have any managerial*
9 *duties of a licensee or person in control of a licensee;*

10 *3. Does not have the power to exercise, directly or indirectly,*
11 *a controlling influence over the management or policies of a*
12 *licensee or person in control of a licensee; and*

13 *4. Does either of the following:*

14 *(a) Attests to the characteristics set forth in subsections 1, 2*
15 *and 3 in a form prescribed by the Commissioner; or*

16 *(b) Commits to the characteristics set forth in subsections 1, 2*
17 *and 3 in a written document.*

18 **Sec. 25.** *1. “Payment instrument” means a written or*
19 *electronic check, draft, money order, traveler’s check or other*
20 *written or electronic instrument for the transmission or payment*
21 *of money or monetary value, whether or not negotiable.*

22 *2. The term does not include stored value or any instrument*
23 *that is:*

24 *(a) Redeemable by the issuer only for goods or services*
25 *provided by the issuer or its affiliate or a franchisee of the issuer*
26 *or its affiliate, except to the extent required by applicable law to be*
27 *redeemable in cash for its cash value; or*

28 *(b) Not sold to the public but issued and distributed as part of a*
29 *loyalty, rewards or promotional program.*

30 **Sec. 26.** *“Payroll processing services” means receiving*
31 *money or credits for transmission pursuant to a contract with a*
32 *person to:*

33 *1. Deliver wages or salaries;*

34 *2. Make payment of payroll taxes to a state or federal agency;*

35 *3. Make payments relating to an employee benefit plan; or*

36 *4. Make distributions of other authorized deductions from*
37 *wages or salaries.*

38 **Sec. 27.** *“Person” means any natural person, general*
39 *partnership, limited partnership, limited liability company,*
40 *corporation, trust, association, joint stock corporation or other*
41 *corporate entity identified by the Commissioner.*

42 **Sec. 28.** *“Privately insured depository financial institution”*
43 *means a credit union, thrift company or industrial loan company*
44 *organized and regulated under the laws of this State, when such a*
45 *credit union or thrift company has deposits which are insured by a*



1 *private insurer approved by the Commissioner and the*
2 *Commissioner of Insurance.*

3 **Sec. 29.** *“Receiving money or credits for transmission”*
4 *means the act of receiving money, credits or monetary value in the*
5 *United States for transmission within or outside the United States*
6 *by electronic or other means.*

7 **Sec. 30.** 1. *“Stored value” means monetary value*
8 *representing a claim against the issuer evidenced by an electronic*
9 *or digital record, and that is intended and accepted for use as a*
10 *means of redemption for money or monetary value or payment for*
11 *goods or services.*

12 2. *The term includes, without limitation, “prepaid access,” as*
13 *defined in 31 C.F.R. § 1010.100, as amended.*

14 3. *The term does not include a payment instrument, closed*
15 *loop stored value or monetary value described in subsection 1 that*
16 *is not sold to the public but issued and distributed as part of a*
17 *loyalty, rewards or promotional program.*

18 **Sec. 31.** *“Tangible net worth” means the aggregate assets of*
19 *a licensee excluding all intangible assets, less liabilities, as*
20 *determined in accordance with generally accepted accounting*
21 *principles in the United States.*

22 **Sec. 32.** *“USA Patriot Act” means the Uniting and*
23 *Strengthening America by Providing Appropriate Tools Required*
24 *to Intercept and Obstruct Terrorism Act of 2001, Public*
25 *Law 107-56.*

26 **Sec. 33.** *For the purposes of this chapter, a transaction*
27 *involving money transmission takes place in this State if:*

28 1. *For a transaction requested in person, the transaction is*
29 *requested by a person at a physical location in this State.*

30 2. *For a transaction requested electronically or by telephone,*
31 *the provider of money transmission determines that the person*
32 *requesting the transaction is located in this State based on the*
33 *information available to the provider. Such information may*
34 *include, without limitation:*

35 (a) *Information provided by the person regarding the*
36 *residential address of the person, if the person is a natural person,*
37 *or the address of the principal place of business or other physical*
38 *address of the person, if the person is a business entity; and*

39 (b) *Any other information contained in the records of the*
40 *provider of money transmission which indicate the location of the*
41 *person, including, without limitation, an address associated with*
42 *an account.*

43 **Sec. 34.** *The Commissioner may, by regulation or order,*
44 *exempt a person who is not specified in NRS 671.020 from the*
45 *provisions of this chapter if the Commissioner determines that the*



1 *exemption is in the public interest and the regulation of the person*
2 *is not necessary for the purposes of this chapter.*

3 **Sec. 35.** *The Commissioner may require any person claiming*
4 *to be exempt from the provisions of this chapter pursuant to NRS*
5 *671.020 to provide to the Commissioner information and*
6 *documentation demonstrating that the person qualifies for any*
7 *claimed exemption.*

8 **Sec. 36.** *1. To carry out the purposes of this chapter, the*
9 *Commissioner may:*

10 *(a) Enter into agreements or relationships with other*
11 *governmental officials, federal and state regulatory agencies and*
12 *regulatory associations in order to improve efficiencies and reduce*
13 *regulatory burden by standardizing methods or procedures and*
14 *sharing resources, records or related information obtained under*
15 *this chapter;*

16 *(b) Use, hire, contract or employ analytical systems, methods*
17 *or software to examine or investigate any person subject to this*
18 *chapter;*

19 *(c) Accept from other state or federal governmental agencies*
20 *or officials licensing, examination or investigation reports made*
21 *by such agencies or officials; and*

22 *(d) Accept audit reports made by an independent certified*
23 *public accountant or other qualified third-party auditor for an*
24 *applicant for a license or licensee and incorporate the audit report*
25 *into any report of examination or investigation.*

26 **2.** *The Commissioner shall administer, interpret and enforce*
27 *the provisions of this chapter and may adopt such regulations as*
28 *the Commissioner deems appropriate for those purposes. In*
29 *addition to any other fees authorized by this chapter, the*
30 *Commissioner may impose and collect proportionate and equitable*
31 *fees and costs associated with any actions required to achieve the*
32 *purposes of this chapter.*

33 **Sec. 37.** *1. Except as otherwise provided in NRS 239.0115*
34 *and this section, the following information and documents are*
35 *confidential, are not subject to any subpoena and must not be*
36 *made public:*

37 *(a) Any information or reports obtained by the Commissioner*
38 *from an applicant, licensee or authorized delegate;*

39 *(b) Any information contained in or related to an operating*
40 *report or condition report prepared by, on behalf of or for the use*
41 *of the Commissioner; and*

42 *(c) Any financial statement or balance sheet of a licensee or*
43 *authorized delegate.*

44 **2.** *The Commissioner may disclose the information described*
45 *in subsection 1 and NRS 671.170:*



1 (a) To a representative of a state or federal agency who
2 promises in a record to maintain the confidentiality of the
3 information; and

4 (b) To any person if the Commissioner finds that justice and
5 the public advantage will be served by the disclosure of the
6 information.

7 3. The provisions of this section do not prohibit the
8 Commissioner from disclosing to the public a list of each licensee.

9 4. The Commissioner may make available to the public on the
10 Internet website of the Division of Financial Institutions, upon
11 receipt by the Division of Financial Institutions of a written
12 request or in the Registry, any information in the records of the
13 Division of Financial Institutions that is not confidential,
14 including, without limitation:

15 (a) The name, business address, telephone number and unique
16 identifier of a licensee;

17 (b) The business address of the registered agent of a licensee
18 who has been designated to receive service on behalf of the
19 licensee;

20 (c) The name, business address and telephone number of all
21 authorized delegates of a licensee;

22 (d) The terms of or a copy of any surety bond filed by a
23 licensee, so long as any confidential information, including,
24 without limitation, prices and fees for such bond, is redacted;

25 (e) A copy of any final order of the Division of Financial
26 Institutions which is not confidential and related to any violation
27 of this chapter or a regulation adopted pursuant thereto; and

28 (f) The imposition of an administrative fine or penalty
29 pursuant to this chapter.

30 5. As used in this section, "unique identifier" has the
31 meaning ascribed to it in NRS 671.099.

32 **Sec. 38.** 1. A licensee shall not engage in any business of
33 money transmission through an authorized delegate or allow a
34 person to act as an authorized delegate unless the licensee has:

35 (a) Adopted, and updated as necessary, written policies and
36 procedures reasonably designed to ensure that authorized
37 delegates of the licensee comply with applicable state and federal
38 laws;

39 (b) Entered into a written contract with the authorized delegate
40 that complies with subsection 3; and

41 (c) Conducted a reasonable risk-based background
42 investigation sufficient for the licensee to determine whether the
43 authorized delegate has complied with and likely will comply with
44 applicable state and federal laws.



1 2. An authorized delegate shall operate in compliance with
2 the provisions of this chapter.

3 3. A written contract required pursuant to subsection 1 must
4 be signed by the licensee and the authorized delegate and must:

5 (a) Appoint the person proposed to be an authorized delegate
6 who is signing the contract as the authorized delegate of the
7 licensee with the authority to conduct money transmission on
8 behalf of the licensee;

9 (b) Set forth the nature and scope of the relationship between
10 the licensee and the authorized delegate and the respective rights
11 and responsibilities of the parties;

12 (c) Require the authorized delegate to agree to comply fully
13 with all applicable state and federal laws, rules and regulations
14 pertaining to money transmission, including, without limitation,
15 the provisions of this chapter, the regulations adopted pursuant
16 thereto and the relevant provisions of the Bank Secrecy Act and
17 the USA Patriot Act;

18 (d) Require the authorized delegate to remit and handle
19 money, credits and monetary value in accordance with NRS
20 671.150 and the terms of the contract between the licensee and the
21 authorized delegate;

22 (e) Impose a trust on money, credits and monetary value
23 received for money transmission, net of fees, for the benefit of the
24 licensee;

25 (f) Require the authorized delegate to prepare and maintain
26 records as required by this chapter and the regulations adopted
27 pursuant thereto, or as reasonably requested by the
28 Commissioner;

29 (g) Acknowledge that the authorized delegate consents to
30 examination or investigation by the Commissioner;

31 (h) State that the licensee is subject to regulation by the
32 Commissioner and that, as part of that regulation, the
33 Commissioner may suspend or revoke the designation of an
34 authorized delegate or require the licensee to terminate the
35 designation of an authorized delegate; and

36 (i) Acknowledge receipt of the written policies and procedures
37 required by subsection 1.

38 4. If the license of a licensee is suspended, revoked,
39 surrendered or expired, the licensee must, within 5 business days
40 after the date on which such action occurred, provide
41 documentation to the Commissioner that the licensee has notified
42 all applicable authorized delegates of the licensee whose names
43 are in a record filed with the Commissioner of the suspension,
44 revocation, surrender or expiration of the license. Upon
45 suspension, revocation, surrender or expiration of a license,



1 *applicable authorized delegates shall immediately cease to provide*
2 *money transmission as an authorized delegate of the licensee.*

3 5. *An authorized delegate of a licensee holds in trust for the*
4 *benefit of the licensee all money net of fees received from money*
5 *transmission. If any authorized delegate commingles any money*
6 *or credits received from money transmission with any other*
7 *money or property owned or controlled by the authorized delegate,*
8 *all commingled money and other property shall be considered held*
9 *in trust in favor of the licensee in an amount equal to the amount*
10 *of money net of fees received from money transmission.*

11 6. *An authorized delegate may not use a subdelegate to*
12 *conduct money transmission on behalf of a licensee.*

13 7. *As used in this section, "remit" means to make direct*
14 *payments of money, credits or monetary value to a licensee or its*
15 *representative authorized to receive money or to deposit money in*
16 *an account specified by the licensee in a bank or credit union*
17 *authorized to do business in this State.*

18 **Sec. 39.** *A person shall not engage in the business of money*
19 *transmission on behalf of a person not licensed under this chapter*
20 *or who is not exempt from licensure under this chapter. A person*
21 *that engages in such activity provides money transmission to the*
22 *same extent as if the person were a licensee and is jointly and*
23 *severally liable with the unlicensed or nonexempt person.*

24 **Sec. 40.** 1. *If, in any action brought by a licensee against*
25 *an authorized delegate, the court finds that the authorized delegate*
26 *failed to remit money in accordance with the written contract with*
27 *the licensee required by section 38 of this act or as otherwise*
28 *directed by the licensee or required by law, the court may grant*
29 *appropriate equitable or legal relief, including, without limitation,*
30 *prohibiting the authorized delegate from directly or indirectly*
31 *acting as an authorized delegate for any licensee in this State and*
32 *the payment of restitution, damages or other monetary relief.*

33 2. *If a court issues an order prohibiting a person from acting*
34 *as an authorized delegate for any licensee pursuant to subsection*
35 *1, the licensee that brought the action shall report the order to:*

36 (a) *The Commissioner within 30 days after entry of the order;*
37 *and*

38 (b) *The Registry within 90 days after entry of the order.*

39 3. *An authorized delegate who holds money in trust for the*
40 *benefit of a licensee and knowingly fails to remit money is guilty*
41 *of a misdemeanor.*

42 4. *As used in this section, "remit" means to make direct*
43 *payments of money, credits or monetary value to a licensee or its*
44 *representative authorized to receive money or to deposit money in*



1 *an account specified by the licensee in a bank or credit union*
2 *authorized to do business in this State.*

3 **Sec. 41.** 1. *A licensee shall forward all money or credits*
4 *received for transmission in accordance with the terms of the*
5 *agreement between the licensee and the sender unless the licensee*
6 *has a reasonable belief or a reasonable basis to believe that the*
7 *sender may be a victim of fraud or that a crime or violation of law,*
8 *rule or regulation has occurred, is occurring or may occur.*

9 2. *If a licensee fails to forward money or credits received for*
10 *transmission in accordance with this section, the licensee must*
11 *respond to inquiries by the sender with the reason for the failure*
12 *unless providing a response would violate a state or federal law,*
13 *rule or regulation.*

14 **Sec. 42.** 1. *Except as otherwise provided in this section, a*
15 *licensee shall, within 10 days after the date on which the licensee*
16 *receives a written request from a sender for a refund of money and*
17 *credits received, issue such a refund to the sender unless any of*
18 *the following occurs:*

19 (a) *The money or credits have been forwarded within 10 days*
20 *after the date on which the money or credit was received for*
21 *transmission.*

22 (b) *Instructions have been given committing an equivalent*
23 *amount of money or credit to the person designated by the sender*
24 *within 10 days of the date on which the money or credit was*
25 *received for transmission.*

26 (c) *The agreement between the licensee and the sender*
27 *instructs the licensee to forward the money or credits at a time that*
28 *is beyond 10 days after the date on which the money or credits*
29 *were received for transmission. If money or credits have not yet*
30 *been forwarded in accordance with the terms of the agreement*
31 *between the licensee and the sender, this paragraph does not*
32 *apply.*

33 (d) *The refund is requested for a transaction that the licensee*
34 *has not completed based on a reasonable belief or a reasonable*
35 *basis to believe that a crime or violation of law, rule or regulation*
36 *has occurred, is occurring or may occur.*

37 (e) *The request for a refund does not enable the licensee to:*

38 (1) *Identify the name, address or telephone number of the*
39 *sender; or*

40 (2) *If the sender has multiple transactions pending with the*
41 *licensee, identify the particular transaction to be refunded.*

42 2. *The provisions of this section do not apply to:*

43 (a) *Money or credits received for transmission which are*
44 *subject to the provisions of 12 C.F.R. Part 1005, Subpart B, as*
45 *amended.*



1 (b) Money or credits received for transmission pursuant to a
2 written agreement between a licensee and payee to process
3 payments for goods or services provided by the payee.

4 **Sec. 43.** 1. Except as otherwise provided in this section, a
5 licensee or authorized delegate shall provide to a sender a receipt
6 for all money or credit received for transmission. For a
7 transaction conducted in person, the receipt may be provided
8 electronically if the sender requests or agrees to receive an
9 electronic receipt. For a transaction conducted electronically or by
10 telephone, a receipt may be provided electronically. If a licensee
11 provides an electronic receipt, the electronic receipt must be
12 provided in a retainable form.

13 2. A receipt required by this section must:

14 (a) Be in English and, if different, the language principally
15 used by the licensee or authorized delegate to advertise, solicit or
16 negotiate, either orally or in writing, for a transaction conducted
17 in person, electronically or by phone; and

18 (b) Contain the following information, as applicable:

19 (1) The name of the sender;

20 (2) The name of the designated recipient;

21 (3) The date of the transaction;

22 (4) The unique transaction or identification number;

23 (5) The name, unique identifier, business address and
24 customer service telephone number of the licensee;

25 (6) The amount of the transaction in United States dollars;

26 (7) Any fee charged by the licensee to the sender for the
27 transaction; and

28 (8) Any taxes collected by the licensee from the sender for
29 the transaction.

30 3. Each licensee and authorized delegate shall include on a
31 receipt required by this section or on the Internet website or
32 mobile application of the licensee or authorized delegate:

33 (a) The name and phone number of the Division of Financial
34 Institutions; and

35 (b) A statement that the customers of the licensee may contact
36 the Division of Financial Institutions with questions or complaints
37 regarding the money transmission services of the licensee.

38 4. The provisions of this section do not apply to:

39 (a) Money or credit received for transmission which is subject
40 to the provisions of 12 C.F.R. Part 1005, Subpart B, as amended;

41 (b) Money or credit received for transmission that is not
42 primarily for personal, family or household purposes;

43 (c) Money or credit received for transmission pursuant to a
44 written agreement between the licensee and payee to process
45 payments for goods or service provided to the payee; or



1 (d) Payroll processing services.

2 5. As used in this section:

3 (a) "Receipt" means a paper receipt, electronic record or other
4 written confirmation.

5 (b) "Unique identifier" has the meaning ascribed to it in
6 NRS 671.099.

7 **Sec. 44. 1.** Except as otherwise provided in subsection 2, a
8 licensee that provides payroll processing services shall:

9 (a) Issue to a client a report detailing the payroll obligations
10 for the client before the money or monetary value for payroll is
11 deducted from an account; and

12 (b) Make available to each worker a paystub or an equivalent
13 statement.

14 2. The provisions of subsection 1 do not apply to a licensee
15 providing payroll processing services if the client of the licensee
16 designates the intended recipients to the licensee and is
17 responsible for providing the disclosures required by paragraph
18 (b) of subsection 1.

19 **Sec. 45. 1.** A licensee shall maintain at all times
20 permissible investments that have a market value computed in
21 accordance with generally accepted accounting principles in the
22 United States of not less than the aggregate amount of all of the
23 outstanding money transmission obligations of the licensee.

24 2. Except for the permissible investments specified in
25 subsection 1 of section 46 of this act, the Commissioner, with
26 respect to any licensee, may limit the extent to which a specific
27 investment maintained by a licensee within a class of permissible
28 investments may be considered a permissible investment if the
29 specific investment represents an undue risk to customers not
30 reflected in the market value of investments.

31 3. Permissible investments, even if commingled with other
32 assets of the licensee, are held in trust for the benefit of the
33 purchasers and holders of the outstanding money transmission
34 obligations of the licensee if any of the following occurs:

35 (a) Insolvency;

36 (b) The filing of a petition by or against the licensee pursuant
37 to the provisions of United States Bankruptcy Code for bankruptcy
38 or reorganization;

39 (c) The filing of a petition by or against the licensee for
40 receivership;

41 (d) The commencement of any other judicial or administrative
42 proceeding for the dissolution or reorganization of the licensee; or

43 (e) An action against the licensee by a creditor who is not a
44 beneficiary of this statutory trust.



1 4. A permissible investment impressed with a trust pursuant
2 to subsection 3 is not subject to attachment, levy of execution or
3 sequestration by order of any court, except for a beneficiary of the
4 statutory trust.

5 5. Upon the establishment of a statutory trust pursuant to
6 subsection 3 or when any money is drawn on a letter of credit
7 pursuant to section 47 of this act, the Commissioner shall notify
8 the applicable regulator of each other state in which the licensee is
9 licensed to engage in money transmission, if any, of the
10 establishment of the trust or the money drawn on the letter of
11 credit. The notice shall be deemed satisfied if performed pursuant
12 to a multistate agreement or through the Registry.

13 6. Money drawn on a letter of credit, and any other
14 permissible investments held in trust for the benefit of the
15 purchasers or holders of the outstanding money transmission
16 obligations of the licensee pursuant to subsection 3, are deemed
17 held in trust for the benefit of such purchasers and holders on a
18 pro rata and equitable basis in accordance with statutes pursuant
19 to which permissible investments are required to be held in this
20 State and other states, as applicable. Any statutory trust
21 established pursuant to subsection 3 is terminated upon
22 extinguishment of all of the outstanding money transmission
23 obligations of the licensee.

24 7. The Commissioner may allow types of investments other
25 than the types specified in section 46 of this act that the
26 Commissioner determines are of sufficient liquidity and quality to
27 be a permissible investment. The Commissioner may participate in
28 efforts with other state regulators to determine that other types of
29 investments are of sufficient liquidity and quality to be a
30 permissible investment.

31 **Sec. 46. 1.** The following are permissible investments for
32 the purposes of section 45 of this act:

33 (a) Cash, including demand deposits, savings deposits and
34 money in accounts held for the benefit of the customers of the
35 licensee in a federally insured depository financial institution or
36 privately insured depository financial institution;

37 (b) Cash equivalents, including, without limitation, automated
38 clearinghouse items in transit to the licensee and automated
39 clearinghouse items or international wires in transit to a payee,
40 cash in transit by means of an armored car, cash in smart safes,
41 cash in locations owned by the licensee, transmission receivables
42 which are funded by a debit card or credit card and owed by any
43 bank or money market mutual funds rated "AAA" by Standard
44 and Poor's Credit Rating Services or the equivalent from any
45 eligible rating service;



1 (c) *Certificates of deposit or senior debt obligation of an*
2 *insured depository institution, as defined in 12 U.S.C. § 1813, as*
3 *amended, insured credit union, as defined in 12 U.S.C. § 1752, as*
4 *amended, or privately insured financial depository institution;*

5 (d) *An obligation of the United States or a commission, agency*
6 *or instrumentality thereof;*

7 (e) *An obligation that is guaranteed fully as to principal and*
8 *interest by the United States;*

9 (f) *An obligation of a state or a governmental subdivision,*
10 *agency or instrumentality thereof;*

11 (g) *The full drawable amount of an irrevocable standby letter*
12 *of credit for which the stated beneficiary is the Division of*
13 *Financial Institutions and which:*

14 (1) *Stipulates that the beneficiary need only draw a sight*
15 *draft under the letter of credit and present it to obtain money up to*
16 *the letter of credit amount within 7 days of presentation of the*
17 *items required by section 47 of this act; and*

18 (2) *Satisfies the requirements set forth in section 47 of this*
19 *act; and*

20 (h) *One hundred percent of the surety bond or deposit*
21 *provided pursuant to NRS 671.100 and 671.110 that exceeds the*
22 *average daily money transmission liability in this State.*

23 2. *Except as otherwise provided in subsection 3, the following*
24 *investments are permissible investments subject to the limitations*
25 *set forth in this subsection:*

26 (a) *Receivables that are payable to a licensee from the*
27 *authorized delegates of the licensee in the ordinary course of*
28 *business that are less than 7 days old, except that:*

29 (1) *The total value of all such receivables may not exceed*
30 *50 percent of the aggregate value of the total permissible*
31 *investments of the licensee; and*

32 (2) *The value of such receivables that are payable to a*
33 *licensee from a single authorized delegate may not exceed 10*
34 *percent of the aggregate value of the total permissible investments*
35 *of a licensee;*

36 (b) *Any of the following investments:*

37 (1) *A short-term investment of 6 months or less bearing an*
38 *eligible rating;*

39 (2) *Commercial paper bearing an eligible rating;*

40 (3) *A bill, note, bond or debenture bearing an eligible*
41 *rating;*

42 (4) *United States tri-party repurchase agreements*
43 *collateralized at 100 percent or more with securities of the United*
44 *States or an agency of the United States, municipal bonds or other*
45 *securities bearing an eligible rating;*



1 (5) Money market mutual funds rated "A-" or higher but
2 less than "AAA" by Standard and Poor's Credit Rating Services or
3 the equivalent from any other eligible rating service; and

4 (6) A mutual fund or other investment fund composed
5 solely and exclusively of one or more investments specified in
6 paragraphs (a) to (f), inclusive, of subsection 1,

7 ↪ except that the value of any single investment specified in
8 subparagraphs (1) to (6), inclusive, may not exceed 20 percent of
9 the aggregate value of the total permissible investments of the
10 licensee and the total value of all such investments may not exceed
11 50 percent of the total permissible investments of the licensee; and

12 (c) Cash, including, without limitation, demand deposits,
13 savings deposits and funds in such accounts held for the benefit of
14 the customers of the licensee, at a foreign depository institution if
15 the licensee has received a satisfactory rating on the most recent
16 examination conducted on the licensee and the foreign depository
17 institution:

18 (1) Has an eligible rating;

19 (2) Has registered with the Internal Revenue Service and
20 obtained a global intermediary identification number in
21 accordance with 26 C.F.R. §§ 1.1471-0 et seq.;

22 (3) Is not located in any country subject to sanctions from
23 the Office of Foreign Asset Control of the United States
24 Department of the Treasury; and

25 (4) Is not located in a jurisdiction that is listed on the list of
26 high-risk jurisdictions subject to a call for action or jurisdictions
27 under increased monitoring maintained by the Financial Action
28 Task Force,

29 ↪ except that the total amount of such cash may not exceed 10
30 percent of the aggregate value of the total permissible investments
31 of the licensee.

32 3. The Commissioner may allow any investment specified in
33 subsection 2 to exceed the limits prescribed in that subsection.

34 **Sec. 47. 1.** A letter of credit described in paragraph (g) of
35 subsection 1 of section 46 of this act must:

36 (a) Be issued by a federally insured depository financial
37 institution, privately insured depository institution, a foreign bank
38 that is authorized by federal law to maintain a federal agency or
39 federal branch office in a state or a foreign bank that is authorized
40 under the laws of a state to maintain a branch office in a state
41 that:

42 (1) Bears an eligible rating or whose parent company bears
43 an eligible rating; and



1 (2) *Is regulated, supervised and examined by federal or*
2 *state authorities having regulatory authority over banks and credit*
3 *unions;*

4 (b) *Be irrevocable, unconditional and indicate that it is not*
5 *subject to any condition or qualification outside of the letter of*
6 *credit;*

7 (c) *Not contain any reference to any other agreement,*
8 *document or entity, or otherwise provide for any security interest*
9 *in the licensee;*

10 (d) *Contain an issue date and expiration date, and expressly*
11 *provide for automatic extension, without a written amendment, for*
12 *an additional period of 1 year after the present or future*
13 *expiration date, unless the issuer of the letter of credit notifies the*
14 *Commissioner in writing by certified or registered mail, courier*
15 *mail or other receipted means, at least 60 days before any*
16 *expiration date that the irrevocable letter of credit will not be*
17 *extended; and*

18 (e) *Provide that the issuer of the letter of credit will honor, at*
19 *sight, a presentation made by the beneficiary to the issuer of the*
20 *following documents on or before the expiration date of the letter*
21 *of credit:*

22 (1) *The original letter of credit, including any amendments;*
23 *and*

24 (2) *A written statement from the beneficiary stating that*
25 *any of the following events has occurred:*

26 (I) *The filing of a petition by or against the licensee*
27 *pursuant to the United States Bankruptcy Code for bankruptcy or*
28 *reorganization;*

29 (II) *The filing of a petition by or against the licensee for*
30 *receivership or the commencement of any other judicial or*
31 *administrative proceeding for the dissolution or reorganization of*
32 *the licensee;*

33 (III) *The Commissioner has taken possession of the*
34 *business and property of a licensee pursuant to an order pursuant*
35 *to NRS 671.160 on the basis of an action, violation or condition*
36 *that has caused or is likely to cause the insolvency of the licensee;*
37 *or*

38 (IV) *The beneficiary has received notice of expiration or*
39 *non-extension of a letter of credit and the licensee failed to*
40 *demonstrate to the satisfaction of the beneficiary that the licensee*
41 *will maintain permissible investments pursuant to subsection 2.*

42 2. *If the licensee notifies the Commissioner of the expiration*
43 *or nonextension of a letter of credit pursuant to paragraph (d) of*
44 *subsection 1, the licensee, at least 15 days before the expiration of*
45 *the letter of credit, must demonstrate to the satisfaction of the*



1 *Commissioner that the licensee maintains and will continue to*
2 *maintain permissible investments as required by section 45 of this*
3 *act. If the licensee fails to make such a demonstration, the*
4 *Commissioner may draw on the letter of credit in an amount up to*
5 *the amount necessary to meet the requirement that the licensee*
6 *maintain permissible investments pursuant to section 45 of this*
7 *act. The draw must be offset against the outstanding money*
8 *transmission obligations of the licensee. The drawn money must*
9 *be held in trust by the Commissioner or the designated agent of*
10 *the Commissioner, to the extent authorized by law, as agent for the*
11 *benefit of the purchasers and holders of the outstanding money*
12 *transmission obligations of the licensee.*

13 *3. The Commissioner may designate an agent to serve on*
14 *behalf of the Commissioner as beneficiary to a letter of credit so*
15 *long as the agent and letter of credit meet any requirements*
16 *established by the Commissioner. The agent may serve as agent*
17 *for multiple licensing authorities for a single irrevocable letter of*
18 *credit if the proceeds of the drawable amount for the purposes of*
19 *this section are assigned to the Commissioner.*

20 *4. The Commissioner may participate in multistate processes*
21 *designed to facilitate the issuance and administration of letters of*
22 *credit, including, without limitation, services provided by the*
23 *Registry and the State Regulatory Registry, LLC.*

24 **Sec. 48.** *1. If a licensee does not continue to meet the*
25 *qualifications or satisfy the requirements that apply to an*
26 *applicant for a license pursuant to this chapter, the Commissioner*
27 *may suspend or revoke the license of the licensee.*

28 *2. An applicant for a license must demonstrate that the*
29 *applicant meets or will meet the requirements set forth in NRS*
30 *671.100 or 671.110, as applicable, and sections 45 and 49 of this*
31 *act.*

32 **Sec. 49.** *A licensee shall maintain at all times a tangible net*
33 *worth of the greater of:*

- 34 *1. One hundred thousand dollars; or*
35 *2. Three percent of total assets for the first \$100,000,000 in*
36 *assets, 2 percent of additional assets that exceed \$100,000,000 but*
37 *do not exceed \$1 billion and 0.5 percent of additional assets that*
38 *exceed \$1 billion.*

39 **Sec. 50.** *1. Except as otherwise provided in section 52 of*
40 *this act, a person or group of persons acting in concert seeking to*
41 *acquire control of a licensee shall obtain the approval of the*
42 *Commissioner before acquiring control of the licensee. A natural*
43 *person is not deemed to acquire control of a licensee and is not*
44 *subject to the provisions of this section when the natural person*
45 *becomes a key individual in the ordinary course of business.*



1 2. A person or group of persons acting in concert seeking to
2 acquire control of a licensee shall, in cooperation with the
3 licensee, submit to the Commissioner:

4 (a) An application in a form prescribed by the Commissioner;
5 and

6 (b) A nonrefundable fee of not less than \$200 and not more
7 than \$500.

8 3. The Commissioner may require the application submitted
9 pursuant to paragraph (a) of subsection 2 to be submitted through
10 the Registry or allow some or all of the information contained in
11 the application to be submitted to the Commissioner without
12 using the Registry.

13 4. The application required by paragraph (a) of subsection 1
14 must include the information required by NRS 671.098 for any
15 new key individual that has not previously completed the
16 requirements for a licensee.

17 5. When an applicant for acquisition of control of a licensee
18 has submitted the application required pursuant to subsection 1
19 which appears to include all the items and address all of the
20 matters that are required by that subsection and paid all applicable
21 fees, the application shall be considered complete. A determination
22 by the Commissioner that an application is complete and is
23 accepted for processing means only that the application, on its
24 face, appears to include all of the items and address all of the
25 matters that are required and is not an assessment of the
26 substance of the application or of the sufficiency of
27 the information provided.

28 6. When an application is filed and considered complete
29 pursuant to this section, the Commissioner shall investigate the
30 financial condition and responsibility, financial and business
31 experience, competence, character and general fitness of the
32 person or group of persons acting in concert seeking to acquire
33 control of the licensee. The Commissioner shall approve an
34 application for the acquisition of control pursuant to this section if
35 the Commissioner finds that:

36 (a) The requirements of subsections 2 and 4 have been met, as
37 applicable; and

38 (b) The financial condition and responsibility, financial and
39 business experience, competence, character and general fitness of
40 the person or group of persons acting in concert seeking to
41 acquire control of a licensee and the competence, experience,
42 character and general fitness of the key individuals and persons
43 that would be in control of the licensee after the acquisition of
44 control indicate that it is in the interest of the public to permit the



1 *person or group of persons acting in concert to control the*
2 *licensee.*

3 *7. If an applicant for approval to acquire control of a licensee*
4 *pursuant to this section avails himself, herself or itself or is*
5 *otherwise subject to a multistate licensing process:*

6 *(a) The Commissioner may accept the investigation results of a*
7 *state which is a lead investigative state in the multistate licensing*
8 *process for the purposes of this section if the Commissioner*
9 *determines that the state has sufficient staffing, expertise and*
10 *minimum standards; and*

11 *(b) If this State is a lead investigative state in the multistate*
12 *licensing process, the Commissioner may investigate the applicant*
13 *under the time frames established by agreement through the*
14 *multistate licensing process.*

15 *8. If the Commissioner denies an application for approval to*
16 *acquire control of a licensee submitted pursuant to subsection 1,*
17 *the Commissioner shall issue to the applicant a formal written*
18 *notice of the denial not more than 30 days after the date on which*
19 *the Commissioner has made the decision to deny the application.*
20 *The notice must set forth the specific reasons for the denial of the*
21 *application. An applicant whose application for approval to*
22 *acquire control of a licensee is denied may, not more than 30 days*
23 *after the date on which the notice was issued, appeal the decision*
24 *and request a hearing pursuant to NRS 233B.121 to 233B.150,*
25 *inclusive.*

26 *9. Except as otherwise provided in subsection 10, the*
27 *requirements of this section do not apply to any of the following:*

28 *(a) A person that acts as a proxy for the sole purpose of voting*
29 *at a designated meeting of the shareholders or holders of voting*
30 *shares of voting interests of a licensee of a person in control of a*
31 *licensee;*

32 *(b) A person that acquires control of a licensee by devise or*
33 *descent;*

34 *(c) A person that acquires control of a licensee as a personal*
35 *representative, custodian, guardian, conservator or trustee or as*
36 *an officer appointed by a court of competent jurisdiction or by*
37 *operation of law;*

38 *(d) A person that is exempt under this chapter;*

39 *(e) A person that the Commissioner determines is not subject*
40 *to this section based on the public interest;*

41 *(f) A public offering of securities of a licensee or a person in*
42 *control of a licensee;*

43 *(g) An internal reorganization of a person in control of the*
44 *licensee where the ultimate person in control of the licensee*
45 *remains the same; or*



1 (h) *A person described in section 52 of this act.*

2 10. *Persons described in paragraphs (b), (c), (d), (f) and (g)*
3 *of subsection 9, in cooperation with the licensee, shall notify the*
4 *Commissioner within 15 days after the date on which the person*
5 *acquires control of the licensee.*

6 11. *For the purposes of this section, a group of persons “act*
7 *in concert” when two or more persons knowingly act together with*
8 *a common goal of jointly acquiring control of a licensee,*
9 *regardless of whether the persons act pursuant to an express*
10 *agreement.*

11 **Sec. 51.** *1. Before filing an application for approval to*
12 *acquire control of a licensee pursuant to section 50 of this act, a*
13 *person may request in writing a determination from the*
14 *Commissioner as to whether the person would be considered a*
15 *person in control of a licensee upon consummation of a proposed*
16 *transaction. If the Commissioner determines that the person*
17 *would not be a person in control of a licensee, the proposed person*
18 *and transaction is not subject to the requirements of section 50 of*
19 *this act.*

20 2. *If a multistate licensing process includes a determination*
21 *pursuant to this section and the person requesting such a*
22 *determination avails himself, herself or itself or is otherwise*
23 *subject to a multistate licensing process:*

24 (a) *The Commissioner may accept the control determination of*
25 *a state which is a lead investigative state in the multistate licensing*
26 *process if the Commissioner determines that the state has*
27 *sufficient staffing, expertise and minimum standards for the*
28 *purposes of this section; and*

29 (b) *If this State is a lead investigative state in the multistate*
30 *licensing process, the Commissioner may investigate the person in*
31 *the time frames established by agreement through the multistate*
32 *licensing process.*

33 **Sec. 52.** *The requirements of section 50 of this act do not*
34 *apply to a person who has previously complied with and received*
35 *approval to engage in money transmission pursuant to this*
36 *chapter or was identified as a person in control of a licensee in a*
37 *prior application filed with and approved by the Commissioner or*
38 *by a money services business accredited state pursuant to a*
39 *multistate licensing process, so long as:*

40 1. *The person has not had a license revoked or suspended or*
41 *controlled a licensee that has had a license revoked or suspended*
42 *while the person was in control of the licensee in the 5 years*
43 *immediately preceding the date on which the person intends to*
44 *complete the acquisition of control of a licensee;*



1 2. *If the person is a licensee, the person is well managed and*
2 *has received at least a satisfactory rating for compliance in the*
3 *most recent examination of the licensee conducted by a money*
4 *services business accredited state, if such rating was given;*

5 3. *The licensee to be acquired is projected to meet the*
6 *requirements of this chapter after the acquisition of control is*
7 *completed, and if the person acquiring control is a licensee, that*
8 *licensee is also projected to meet the requirements of NRS 671.100*
9 *or 671.110, as applicable, and sections 45 and 49 of this act after*
10 *the acquisition of control is completed;*

11 4. *The licensee to be acquired will not implement any*
12 *material changes to its business plan as a result of the acquisition*
13 *of control, and if the person acquiring control is a licensee, that*
14 *licensee also will not implement any material changes to its*
15 *business plan as a result of the acquisition of control; and*

16 5. *The person provides notice of the acquisition in*
17 *cooperation with the licensee and attests to the circumstances set*
18 *forth in subsections 1 to 4, inclusive, in a form prescribed by the*
19 *Commissioner.*

20 **Sec. 53. 1.** *If a licensee adds or replaces any key individual,*
21 *the licensee shall provide to the Commissioner:*

22 (a) *Notice in a manner prescribed by the Commissioner within*
23 *15 days after the effective date of the addition or replacement of*
24 *the key individual; and*

25 (b) *The information required by NRS 671.098 within 45 days*
26 *after the effective date of the addition or replacement of the key*
27 *individual.*

28 2. *Within 90 days after the date on which the licensee has*
29 *provided the notice and information required by subsection 1, the*
30 *Commissioner may issue a notice of disapproval of a key*
31 *individual if the Commissioner determines that, based on the*
32 *competence, experience, character or integrity of the person, it*
33 *would not be in the best interest of the public or of the customers*
34 *of the licensee to allow the person to be a key individual of the*
35 *licensee.*

36 3. *A notice of disapproval issued pursuant to subsection 2*
37 *must contain a statement of the basis for the disapproval and must*
38 *be sent to the licensee and the person who has been disapproved as*
39 *a key individual. A licensee who receives a notice of disapproval*
40 *may appeal and request a hearing pursuant to NRS 233B.121 to*
41 *233B.150, inclusive.*

42 4. *If a multistate licensing process includes a review and*
43 *disapproval process for key individuals pursuant to this section*
44 *and the licensee requesting such a determination avails himself,*



1 *herself or itself or is otherwise subject to a multistate licensing*
2 *process:*

3 *(a) The Commissioner may accept the determination of*
4 *another state if the Commissioner determines that the state has*
5 *sufficient staffing, expertise and minimum standards for the*
6 *purposes of this section; and*

7 *(b) If this State is a lead investigative state in the multistate*
8 *licensing process, the Commissioner may investigate the applicant*
9 *in the time frames established by agreement through the multistate*
10 *licensing process.*

11 **Sec. 54. 1.** *The Commissioner may participate in multistate*
12 *supervisory processes established between states and coordinated*
13 *through the Conference of State Bank Supervisors, the Money*
14 *Transmitter Regulators Association and the affiliates and*
15 *successors thereof for all licensees that hold licenses in this State*
16 *and in other states. As a participant in such a process, the*
17 *Commissioner may:*

18 *(a) Cooperate, coordinate and share information with other*
19 *state and federal regulators in accordance with the provisions of*
20 *this chapter;*

21 *(b) Enter into written cooperation, coordination or*
22 *information-sharing contracts or agreements with organizations*
23 *whose membership consists of state or federal governmental*
24 *agencies; and*

25 *(c) Cooperate, coordinate and share information with*
26 *organizations whose membership is made up of state or federal*
27 *governmental agencies if any such organization agrees to*
28 *maintain the confidentiality and security of the shared*
29 *information pursuant to section 37 of this act.*

30 **2.** *The Commissioner may not waive, and nothing in the*
31 *provisions of this section constitutes a waiver of, the authority of*
32 *the Commissioner to conduct an examination or investigation or*
33 *otherwise take action authorized by the provisions of this chapter*
34 *or the regulations adopted pursuant thereto to enforce compliance*
35 *with applicable state or federal laws.*

36 **3.** *A joint examination or investigation or acceptance of an*
37 *examination or investigation report does not waive the fee set forth*
38 *in NRS 671.120.*

39 **Sec. 55. 1.** *If state money transmission jurisdiction is*
40 *conditioned on a federal law, any inconsistencies between a*
41 *provision of this chapter and the federal law governing money*
42 *transmission is governed by the applicable federal law to the*
43 *extent of the inconsistency.*



1 2. *If there is an inconsistency between this chapter and a*
2 *federal law that governs pursuant to subsection 1, the*
3 *Commissioner may provide interpretive guidance that:*

4 (a) *Identifies the inconsistency; and*

5 (b) *Identifies the appropriate means of compliance with*
6 *federal law.*

7 **Sec. 56.** 1. *A licensee shall, within 90 days after the end of*
8 *each fiscal year or within such extended period as approved by the*
9 *Commissioner, file with the Commissioner:*

10 (a) *An audited financial statement of the licensee for the fiscal*
11 *year prepared in accordance with generally accepted accounting*
12 *principles in the United States; and*

13 (b) *Any other information the Commissioner may reasonably*
14 *require.*

15 2. *The audited financial statement filed pursuant to*
16 *subsection 1 must:*

17 (a) *Be prepared by an independent certified public accountant*
18 *or independent public account who is satisfactory to the*
19 *Commissioner.*

20 (b) *Include or be accompanied by a certificate of opinion of*
21 *the independent certified public accountant or independent public*
22 *accountant, as applicable, that is satisfactory in form and content*
23 *to the Commissioner. If such a certificate or opinion is qualified,*
24 *the Commissioner may order the licensee to take any action the*
25 *Commissioner deems necessary to enable the independent certified*
26 *public accountant or independent public accountant to remove the*
27 *qualification.*

28 **Sec. 57.** *A licensee and an authorized delegate shall file all*
29 *reports required by reporting requirements relating to federal*
30 *currency reporting, recordkeeping and suspicious activity*
31 *reporting as set forth in the Bank Secrecy Act and other federal*
32 *and state laws pertaining to money laundering. A licensee and an*
33 *authorized delegate who timely files with the appropriate federal*
34 *agency a report required pursuant to this section that is complete*
35 *and accurate shall be deemed to comply with the requirements of*
36 *this section.*

37 **Sec. 58.** 1. *A licensee shall maintain the following records*
38 *for at least 5 years:*

39 (a) *A record of each outstanding money transmission*
40 *obligation sold;*

41 (b) *A general ledger posted at least monthly that contains all*
42 *asset, liability, capital, income and expense accounts;*

43 (c) *Bank statements and bank reconciliation records;*

44 (d) *A record of each outstanding money transmission*
45 *obligation;*



1 (e) A record of each outstanding money transmission
2 obligation paid during the 5-year period;

3 (f) A list of the last known name and address of each of the
4 authorized delegates of the licensee; and

5 (g) Any other records the Commissioner reasonably requires
6 by regulation.

7 2. A licensee may maintain the records required to be
8 maintained by subsection 1:

9 (a) In any form; and

10 (b) Outside of this State, so long as any such record is made
11 available to the Commissioner with 5 business days' notice that is
12 sent in a record.

13 3. The records required to be maintained pursuant to
14 subsection 1 are open to inspection by the Commissioner pursuant
15 to NRS 671.120.

16 **Sec. 59.** 1. A licensee shall file a report with the
17 Commissioner within 1 business day after the licensee has reason
18 to know of the occurrence of any of the following events:

19 (a) The filing of a petition by or against the licensee for
20 bankruptcy or reorganization pursuant to the United States
21 Bankruptcy Code;

22 (b) The filing of a petition by or against the licensee for
23 receivership, the commencement of any other judicial or
24 administrative proceeding for the dissolution or reorganization of
25 the licensee or the making of a general assignment for the benefit
26 of the creditors of the licensee; or

27 (c) The commencement of a proceeding to revoke or suspend
28 the license of the licensee in a state or country in which the
29 licensee engages in business or is licensed.

30 2. A licensee shall file a report with the Commissioner within
31 3 business days after the licensee has reason to know of the
32 occurrence of any of the following events:

33 (a) A charge or conviction of the licensee or of a key
34 individual or person in control of the licensee for a felony; or

35 (b) A charge or conviction of an authorized delegate for a
36 felony.

37 **Sec. 60.** 1. Except as otherwise provided by regulation of
38 the Commissioner, a licensee shall submit to the Commissioner a
39 report of condition within 45 days after the end of the calendar
40 quarter, or within any extended period that the Commissioner may
41 prescribe. The report of condition must include, without
42 limitation:

43 (a) Financial information concerning the licensee;



1 (b) *Nationwide and state-specific money transmission*
2 *transaction information in every jurisdiction in the United States*
3 *where the licensee is licensed to engage in money transmission;*

4 (c) *A report concerning the permissible investments of the*
5 *licensee;*

6 (d) *A report identifying each foreign country to which the*
7 *licensee transmitted money or credits and the amount of money or*
8 *credits transmitted, if applicable; and*

9 (e) *Any other information the Commissioner may reasonably*
10 *require.*

11 2. *The Commissioner may use the Registry for the submission*
12 *of the report required by subsection 1. The Commissioner may, by*
13 *regulation, waive, modify or alter the requirements of subsection 1*
14 *to carry out the purposes of this chapter and maintain consistency*
15 *with reporting requirements of the Registry.*

16 **Sec. 61.** 1. *Each licensee shall submit to the Commissioner*
17 *a report concerning each authorized delegate of the licensee*
18 *within 45 days after the end of the calendar quarter. The report*
19 *must include, without limitation, the following information for*
20 *each authorized delegate:*

21 (a) *The legal name of the company;*

22 (b) *Taxpayer employer identification number;*

23 (c) *Principal provider identifier;*

24 (d) *Physical address;*

25 (e) *Mailing address;*

26 (f) *Any business conducted in other states;*

27 (g) *Any fictitious or trade name;*

28 (h) *The name, phone number and electronic mail address for*
29 *the contact person of the authorized delegate;*

30 (i) *The date upon which the authorized delegate was*
31 *designated as an authorized delegate of the licensee;*

32 (j) *The date upon which the authorized delegate ceased being*
33 *an authorized delegate for the licensee, if applicable;*

34 (k) *Any court order concerning the licensee pursuant to*
35 *section 40 of this act; and*

36 (l) *Any other information the Commissioner may reasonably*
37 *require with respect to the authorized delegate.*

38 2. *The Commissioner may use the Registry for the submission*
39 *of the report required by this section provided that such*
40 *functionality is consistent with the requirements of this section.*

41 **Sec. 62.** 1. *The Commissioner may issue an order*
42 *suspending or revoking the designation of an authorized delegate*
43 *if the Commissioner finds that:*



1 (a) *The authorized delegate committed a violation of any*
2 *provision of this chapter or any regulation adopted or order issued*
3 *by the Commissioner pursuant to this chapter;*

4 (b) *The authorized delegate did not cooperate with an*
5 *examination or investigation by the Commissioner;*

6 (c) *The authorized delegate has engaged in fraud, intentional*
7 *misrepresentation or gross negligence;*

8 (d) *The authorized delegate has been convicted of a violation*
9 *of a state or federal anti-money laundering statute;*

10 (e) *The competence, experience, character or general fitness of*
11 *the authorized delegate or a person in control of the authorized*
12 *delegate indicates that it is not in the public interest to permit the*
13 *authorized delegate to provide money transmission; or*

14 (f) *The authorized delegate has engaged in an unsafe or*
15 *unsound practice.*

16 2. *In determining whether an authorized delegate has*
17 *engaged in an unsafe or unsound practice pursuant to paragraph*
18 *(f) of subsection 1, the Commissioner may consider the size and*
19 *condition of the provision of money transmission by the*
20 *authorized delegate, the magnitude of the loss, the gravity of the*
21 *violation of any provision of this chapter or any regulation*
22 *adopted or order issued by the Commissioner pursuant to this*
23 *chapter and the previous conduct of the licensee.*

24 3. *An authorized delegate may apply for relief from a*
25 *suspension or revocation of designation as an authorized delegate*
26 *according to procedures prescribed by the Commissioner.*

27 **Sec. 63.** 1. *The Commissioner may issue an order requiring*
28 *a licensee or authorized delegate to cease and desist from a*
29 *violation of any provision of this chapter or any regulations*
30 *adopted pursuant thereto or order issued by the Commissioner*
31 *pursuant thereto if the Commissioner determines that the violation*
32 *is likely to cause:*

33 (a) *Immediate and irreparable harm to the licensee, the*
34 *customers of the licensee or the public; or*

35 (b) *Insolvency or significant dissipation of the assets of the*
36 *licensee.*

37 2. *If the Commissioner issues an order against an authorized*
38 *delegate pursuant to subsection 1, the Commissioner may also*
39 *issue a separate order against a licensee to cease and desist from*
40 *providing money transmission through the authorized delegate.*

41 3. *Except as otherwise provided in this subsection, an order*
42 *issued pursuant to this section becomes effective upon service of*
43 *the order and remains effective until it is set aside, in whole or in*
44 *part, by the Commissioner or a reviewing court. The licensee or*
45 *authorized delegate against whom a cease and desist order is*



1 issued may request a hearing on the cease and desist order
2 pursuant to NRS 233B.121 to 233B.150, inclusive.

3 4. A licensee or authorized delegate against whom a cease
4 and desist order is issued pursuant to this section may file with the
5 Commissioner a petition requesting that the cease and desist order
6 be set aside, limited or suspended pending the completion of the
7 proceedings conducted pursuant to subsection 2.

8 **Sec. 64.** In any matter arising from a violation or alleged
9 violation of the provisions of this chapter or a regulation adopted
10 or order issued by the Commissioner pursuant thereto by a person,
11 the Commissioner may enter into a consent order with the person
12 to resolve the matter. Such a consent order:

13 1. Must be signed by the person or the authorized
14 representative of the person and must indicate that the person
15 agrees to the terms contained in the consent order; and

16 2. May provide that the consent order does not constitute an
17 admission by the person that a violation of the provisions of this
18 chapter or the regulations adopted or an order issued by the
19 Commissioner pursuant thereto has occurred.

20 **Sec. 65.** In applying and construing the provisions of this
21 chapter, consideration must be given to the need to promote
22 uniformity of the law with respect to money transmission among
23 states that enact laws concerning money transmission that are
24 substantively similar to this chapter.

25 **Sec. 66.** NRS 671.020 is hereby amended to read as follows:

26 671.020 ~~[1.—This]~~ Except as otherwise provided in section 50
27 of this act, this chapter does not apply to any:

28 ~~[(a) Bank, its parent or]~~

29 1. Federally insured depository financial institution, privately
30 insured depository financial institution, bank holding company ~~for~~
31 ~~any subsidiary thereof, trust company, savings bank, savings and~~
32 ~~loan association, credit union, industrial bank or industrial loan and~~
33 ~~investment company, organized and regulated] , office of an~~
34 ~~international banking corporation, foreign bank that establishes a~~
35 ~~federal branch pursuant to 12 U.S.C. § 3102, as amended,~~
36 ~~corporation organization pursuant to the 12 U.S.C. §§ 1861 to~~
37 ~~1867, inclusive, as amended, or corporation organized pursuant to~~
38 ~~12 U.S.C. §§ 611 to 633, inclusive, as amended,~~ under the laws of
39 ~~[this] a state or of the United States . [;~~

40 ~~—(b) Foreign banking corporation licensed to do banking business~~
41 ~~in this state; or~~

42 ~~—(c) Telegraph company providing a public message service.]~~

43 2. ~~[Subsection 1 does not reduce or alter any liability otherwise~~
44 ~~attaching to the sale, issuance, receipt for transmission or~~
45 ~~transmission of checks or money in any form.] Operator of a~~



1 *payment system to the extent that it provides processing, clearing*
2 *or settlement services between or among persons exempted*
3 *pursuant to this section or licensees in connection with wire*
4 *transfers, credit card transactions, debit card transactions, stored*
5 *value transactions, automated clearinghouse transfers or similar*
6 *transfers of money.*

7 3. *Person appointed as an agent of a payee to collect and*
8 *process a payment from a payor to the payee for goods or services,*
9 *other than money transmission, provided to the payor by the*
10 *payee, so long as:*

11 (a) *A written agreement exists between the payee and the agent*
12 *directing the agent to collect and process payments from payors on*
13 *behalf of the payee;*

14 (b) *The payee holds the agent out to the public as accepting*
15 *payments for goods or services on behalf of the payee; and*

16 (c) *Payment for the goods and services is treated as received by*
17 *the payee upon receipt by the agent so that the obligation of the*
18 *payor is extinguished and there is no risk of loss to the payor if the*
19 *agent fails to remit the money to the payee.*

20 4. *Person that acts as an intermediary by processing*
21 *payments between an entity that has directly incurred an*
22 *outstanding money transmission obligation to a sender and the*
23 *designated recipient of the sender, so long as the entity:*

24 (a) *Is a licensee or exempt from licensure pursuant to this*
25 *chapter;*

26 (b) *Provides a receipt, electronic record or other written*
27 *confirmation to the sender identifying the entity as the provider of*
28 *money transmission in the transaction; and*

29 (c) *Bears sole responsibility to satisfy the outstanding money*
30 *transmission obligation to the sender, including, without*
31 *limitation, the obligation to make the sender whole in connection*
32 *with any failure to transmit the money to the designated recipient*
33 *of the sender.*

34 5. *Department, agency, instrumentality or agent of the United*
35 *States.*

36 6. *State, county, city or any other governmental agency,*
37 *subdivision, instrumentality or agent of a state.*

38 7. *Money transmission by the United States Postal Service or*
39 *by an agent of the United States Postal Service.*

40 8. *Trust company that is licensed or otherwise authorized to*
41 *engage in the business of a trust company in this State pursuant to*
42 *chapter 669 of NRS.*

43 9. *Electronic money transfer of governmental benefits for a*
44 *federal, state, county or governmental agency by a contractor on*
45 *behalf of the United States or a department, agency or*



1 *instrumentality thereof or on behalf of a state or governmental*
2 *subdivision, agency or instrumentality thereof.*

3 *10. Board of trade designated as a contract market under the*
4 *Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., as amended, or a*
5 *person that, in the ordinary course of business, provides clearance*
6 *and settlement services for a board of trade to the extent of its*
7 *operation as or for the board of trade.*

8 *11. Registered futures commission merchant under the*
9 *federal commodities laws to the extent of its operation as such a*
10 *merchant.*

11 *12. Person registered as a securities broker-dealer under*
12 *federal or state securities laws to the extent of the operations of the*
13 *person as such a securities broker-dealer.*

14 *13. Natural person employed by a licensee, authorized*
15 *delegate or any person exempt from licensure pursuant to this*
16 *section when acting within the scope of employment and under the*
17 *supervision of the licensee, authorized delegate or exempt person*
18 *as an employee and not as an independent contractor.*

19 *14. Person expressly appointed as a third-party service*
20 *provider to or agent of an entity exempt pursuant to subsection 1*
21 *to the extent that:*

22 *(a) The third-party service provider or agent is engaging in*
23 *money transmission on behalf of and pursuant to a written*
24 *agreement with the exempt entity that sets forth the specific*
25 *functions that the third-party service provider or agent is to*
26 *perform; and*

27 *(b) The exempt entity assumes all risk of loss and legal*
28 *responsibility for satisfying the outstanding money transmission*
29 *obligations owed to purchasers and holders of the outstanding*
30 *money transmission obligations upon receipt by the third-party*
31 *service provider of the money or monetary value of the purchaser*
32 *or holder.*

33 *15. Employer who performs payroll services on his or her*
34 *own behalf or on behalf of an affiliate of an employer.*

35 *16. Professional employer organization, as defined in NRS*
36 *611.400, who performs payroll services.*

37 *17. Person exempt by regulation or order of the*
38 *Commissioner pursuant to section 34 of this act.*

39 **Sec. 67.** NRS 671.040 is hereby amended to read as follows:

40 671.040 1. A person shall not engage in the business of
41 ~~[selling or issuing checks or of receiving for]~~ **money** transmission or
42 ~~[transmitting money or credits unless the person is licensed pursuant~~
43 ~~to this chapter.]~~ **advertise, solicit or hold himself, herself or itself**
44 **out as providing money transmission unless the person:**



1 (a) *Has been issued a license pursuant to this chapter; or*
2 (b) *Is an authorized delegate of a licensee that is acting within*
3 *the scope of authority conferred by a written contract with the*
4 *licensee.*

5 2. A person ~~[shall not engage in such business as an agent~~
6 ~~except as an agent of a licensee or a payee.]~~ *must have a license or*
7 *be an authorized delegate described in paragraph (b) of subsection*
8 *1 regardless of the location or method that the person uses to*
9 *engage in the business of money transmission, including, without*
10 *limitation, at a kiosk, through the Internet, through any telephone,*
11 *facsimile machine or other telecommunication device or through*
12 *any other machine, network, system, device or means.*

13 **Sec. 68.** NRS 671.050 is hereby amended to read as follows:

14 671.050 1. Every application for a license required pursuant
15 to this chapter must be in writing, signed by the applicant, and in the
16 form *and medium* prescribed by the Commissioner.

17 2. The application must contain:

18 (a) ~~[The name and principal business address]~~ *A list of any*
19 *criminal convictions of the applicant [and, if incorporated, the date*
20 *and place of its incorporation;] and any material litigation in which*
21 *the applicant has been involved in the 10 years immediately*
22 *preceding the date on which the application is submitted;*

23 (b) ~~[The name and address of each of the applicant's branch~~
24 ~~offices, subsidiaries or affiliates, if any, which will be operated~~
25 ~~under the license;]~~ *A description of any money transmission*
26 *previously provided by the applicant and the money transmission*
27 *that the applicant seeks to provide in this State;*

28 (c) ~~[The name and addresses, business and residential, of the~~
29 ~~proprietor or partners of the applicant or, if the applicant is a~~
30 ~~corporation or association, of each of the directors, trustees and~~
31 ~~principal officers, and of any stockholder who owns 20 percent or~~
32 ~~more of]~~ *A list of the applicant's [stock; and] proposed authorized*
33 *delegates and the locations in this State where the applicant and*
34 *authorized delegates propose to engage in money transmission;*

35 (d) *A list of other states in which the applicant is licensed to*
36 *engage in money transmission and any suspension or revocation*
37 *of such a license or other disciplinary action taken against the*
38 *applicant in another state;*

39 (e) *Information concerning any proceeding involving*
40 *bankruptcy or receivership affecting the applicant or a person in*
41 *control of the applicant;*

42 (f) *A sample form of contract for authorized delegates, if*
43 *applicable;*

44 (g) *A sample form of payment instrument or stored value, as*
45 *applicable;*



1 (h) *The name and address of any federally insured depository*
2 *financial institution or privately insured depository financial*
3 *institution through which the applicant plans to conduct money*
4 *transmission; and*

5 (i) *Such other pertinent information as the Commissioner or the*
6 *Registry requires.*

7 3. ~~[The]~~ *If the applicant is a business entity, the application*
8 *must also contain:*

9 (a) *The date on which the applicant was incorporated or*
10 *formed and the state or country in which the applicant was*
11 *incorporated or formed;*

12 (b) *A certificate of good standing from the state or country in*
13 *which the applicant was incorporated or formed, if applicable;*

14 (c) *A brief description of the structure or organization of the*
15 *applicant, including, without limitation, information concerning*
16 *any parents or subsidiaries of the applicant and whether any*
17 *parent or subsidiary is publicly traded;*

18 (d) *The legal name, any fictitious or trade name, each business*
19 *and residential address and the employment history, as applicable,*
20 *in the 10 years immediately preceding the submission of the*
21 *application of each key individual and person in control of the*
22 *applicant;*

23 (e) *A list of any criminal convictions and material litigation in*
24 *which a person in control of the applicant that is not a natural*
25 *person has been involved in the 10 years immediately preceding*
26 *the submission of the application;*

27 (f) *A copy of audited financial statements of the applicant for*
28 *the most recent fiscal year and for the 2 years immediately*
29 *preceding the submission of the application;*

30 (g) *A certified copy of unaudited financial statements of the*
31 *applicant for the most recent fiscal quarter;*

32 (h) *If the applicant is a publicly traded corporation, a copy of*
33 *the most recent report filed with the United States Securities and*
34 *Exchange Commission pursuant to 15 U.S.C. § 78m, as amended;*

35 (i) *If the applicant is a wholly owned subsidiary of:*

36 (1) *A corporation publicly traded in the United States, a*
37 *copy of audited financial statements for the parent corporation for*
38 *the most recent fiscal year or a copy of the most recent report filed*
39 *by the parent corporation pursuant to 15 U.S.C. § 78m, as*
40 *amended; or*

41 (2) *A corporation publicly traded outside the United States,*
42 *a copy of documentation similar to that described in subparagraph*
43 *(1) filed with the regulator of the domicile of the parent*
44 *corporation outside the United States;*



1 (j) *The name and address of the registered agent of the*
2 *applicant in this State; and*

3 (k) *Such other pertinent information as the Commissioner or*
4 *Registry requires.*

5 4. *In addition to the application required by subsection 2, the*
6 *applicant must ~~[be accompanied by:]~~ also provide to the*
7 *Commissioner:*

8 (a) A surety bond or securities as required by this chapter.

9 (b) ~~[A certified]~~ *An audited* financial statement, satisfactory to
10 the Commissioner, showing that the applicant's *tangible* net worth
11 ~~[exceeds \$100,000, unless the applicant's surety bond or the~~
12 ~~securities deposited pursuant to NRS 671.110 are in at least twice~~
13 ~~the minimum principal sum required by NRS 671.100.]~~ *meets the*
14 *requirements set forth in section 49 of this act.*

15 (c) A nonrefundable fee of not more than \$500 for the
16 application and survey. The applicant shall also pay such additional
17 expenses incurred in the process of investigation as the
18 Commissioner deems necessary.

19 (d) A fee of not less than \$200 or more than \$400, prorated on
20 the basis of the licensing year as provided by the Commissioner.

21 ~~[4.]~~ 5. The Commissioner shall adopt regulations establishing
22 ~~[the]~~ :

23 (a) *The form and medium of any additional content required*
24 *to be included in an application for a license. The regulations may*
25 *require such an application to be in such form and medium and*
26 *contain such additional content that the Commissioner determines*
27 *to be necessary to carry out the purposes of this chapter and*
28 *maintain consistency with the licensing standards and practices of*
29 *the Registry.*

30 (b) *The amount of the fees required pursuant to this section. All*
31 *money received by the Commissioner pursuant to this section must*
32 *be placed in the Investigative Account created by NRS 232.545.*

33 ~~[5.]~~ 6. The Commissioner shall consider an application to be
34 withdrawn if the Commissioner has not received all information and
35 fees required to complete the application within 6 months after the
36 date the application is first submitted to the Commissioner or within
37 such later period as the Commissioner determines in accordance
38 with any existing policies of joint regulatory partners. If an
39 application is deemed to be withdrawn pursuant to this subsection or
40 if an applicant otherwise withdraws an application, the
41 Commissioner may not issue a license to the applicant unless the
42 applicant submits a new application and pays any required fees.

43 **Sec. 69.** NRS 671.060 is hereby amended to read as follows:

44 671.060 1. ~~[Upon the filing of]~~ *When an applicant for a*
45 *license has submitted* the application ~~[, payment of the]~~ *required*



1 *pursuant to NRS 671.050 which appears to include all the items*
2 *and address all of the matters that are required by that section,*
3 *submitted the information required pursuant to NRS 671.098 and*
4 *paid all applicable fees and ~~[approval of]~~ the Commissioner has*
5 *approved the surety bond or securities ~~[.]~~ of the applicant, the*
6 *application shall be considered complete.*

7 2. *A determination by the Commissioner that an application*
8 *is complete pursuant to subsection 1 and is accepted for*
9 *processing means only that the application, on its face, appears to*
10 *include all of the items and address all of the matters that are*
11 *required and is not an assessment of the substance of the*
12 *application or the sufficiency of the information.*

13 3. *When an application is filed and considered complete*
14 *pursuant to this section, the Commissioner shall investigate the*
15 *financial condition and responsibility, the financial and business*
16 *experience, and the character and general fitness of the applicant*
17 *and may investigate any partners, directors, trustees, ~~[or]~~ principal*
18 *officers, proposed key individuals or persons in control of the*
19 *applicant.*

20 ~~[2. If]~~

21 4. *In investigating an applicant pursuant to subsection 3, the*
22 *Commissioner ~~[determines that the business of the applicant will be~~*
23 *~~conducted lawfully, honestly, fairly and efficiently, the]~~ may*
24 *conduct an on-site investigation of the applicant, the actual cost of*
25 *which the applicant must pay.*

26 5. *The Commissioner shall issue a license to the applicant to*
27 *engage in the business of ~~[selling and issuing checks, receiving for]~~*
28 *money transmission ~~[or transmitting money or credits, or both.] if~~*
29 *the Commissioner finds that:*

30 (a) *The applicant has complied with all applicable*
31 *requirements set forth in this chapter for the issuance of a license;*
32 *and*

33 (b) *The financial condition and responsibility, financial and*
34 *business experience, competence, character and general fitness of*
35 *the applicant and the competence, experience, character and*
36 *general fitness of the key individuals and persons in control of the*
37 *applicant indicate that it is in the interest of the public to permit*
38 *the applicant to engage in money transmission.*

39 6. *If the Commissioner denies an application for a license,*
40 *the Commissioner shall issue to the applicant a formal written*
41 *notice of the denial setting forth the specific reasons for the*
42 *denial. An applicant whose application for a license is denied may*
43 *appeal and request a hearing pursuant to NRS 233B.121 to*
44 *233B.150, inclusive.*



1 **Sec. 70.** NRS 671.070 is hereby amended to read as follows:

2 671.070 1. ~~[A]~~ *Except as otherwise provided in this*
3 *subsection, a* license issued pursuant to this chapter expires on
4 December 31 of each year, unless it is earlier surrendered,
5 suspended or revoked. *A license which is initially issued on or after*
6 *November 1 and on or before December 31 of a year expires on*
7 *December 31 of the year following the year in which the license*
8 *was issued, unless it is earlier surrendered, suspended or revoked.*

9 2. The license may be renewed from year to year upon the
10 approval of the Commissioner if the licensee, on or after
11 November 1 and on or before December 31 of each year, files an
12 application ~~[conforming]~~ *which:*

13 (a) *Conforms* to the requirements for an initial application ~~[]~~ ;
14 *and*

15 (b) *Contains a description of each material change in the*
16 *information submitted to the Commissioner by the licensee in the*
17 *initial application which has not yet been reported to*
18 *the Commissioner.*

19 3. An application for the renewal of the license must be
20 accompanied by a fee of not more than \$400. No investigation fee
21 may be charged for the renewal of the license. If the application or
22 fee for renewal is not filed within the required time, the
23 Commissioner may reinstate the expired license if the licensee files
24 the application, the fee for renewal and a fee of not more than \$400
25 for late renewal, if applicable, on or before February 28 of the year
26 following the expiration of the license.

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

31 **Sec. 71.** NRS 671.080 is hereby amended to read as follows:

32 671.080 1. A license issued under this chapter is not
33 transferable or assignable.

34 2. The license entitles the holder to engage in business only at
35 the location or locations specified in the application or at a location
36 or locations operated by ~~[a duly appointed agent]~~ *an authorized*
37 *delegate* of the licensee.

38 3. A change must not be made in:

39 (a) The location of any place of business covered by the license;

40 (b) The name of the licensed business; or

41 (c) The licensee's operation or services if the nature of the
42 change affects the qualification for the license,

43 ↪ without prior notice to and approval of the Commissioner.



1 **Sec. 72.** NRS 671.092 is hereby amended to read as follows:
2 671.092 1. ~~[[The]]~~ *To establish consistent licensing between*
3 *this State and other states, the* Commissioner may ~~[[]]~~ :

4 (a) *Implement the provisions of this chapter in a manner that*
5 *is consistent with other states that have adopted laws that are*
6 *substantively similar to the provisions of this chapter or multistate*
7 *licensing processes; and*

8 (b) *Participate in nationwide protocols for licensing*
9 *cooperation and coordination among state regulators if the*
10 *protocols are consistent with the provisions of this chapter.*

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

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

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

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

24 (d) *Taking any action the Commissioner deems necessary to*
25 *coordinate multistate licensing processes and supervision*
26 *processes through the Registry;*

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

30 ~~[[e]]~~ (f) *Taking any action the Commissioner deems necessary*
31 *to facilitate communication between this State and licensees or*
32 *other persons subject to the provisions of this chapter;*

33 (g) Requiring an applicant for a license or a licensee to use the
34 Registry to:

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

36 (2) Amend or surrender a license;

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

39 (4) Pay any applicable fees; and

40 (5) Engage in any other activity that the Commissioner may
41 require; ~~[[and]]~~

42 ~~[[f]]~~ (h) *Requiring an applicant for the acquisition of control*
43 *of a licensee to use the Registry to submit the application required*
44 *by section 50 of this act and pay the fees set forth in that section;*



1 (i) Authorizing the Registry to, on behalf of the Commissioner,
2 collect fingerprints in order to receive or conduct a background
3 check on the criminal history of an applicant for a license or a
4 licensee ~~†~~

5 ~~—2.† ; and~~

6 (j) *Require the use of the Registry for any other aspect of*
7 *licensing that the Commissioner deems necessary.*

8 3. *The Commissioner may use the forms, processes and*
9 *functionalities of the Registry to implement the requirements of*
10 *this chapter. If the Registry does not provide functionality, forms*
11 *or processes necessary to implement a requirement set forth in this*
12 *chapter, the Commissioner may strive to implement the*
13 *requirement in a manner that facilitates uniformity with respect to*
14 *licensing, supervision, reporting and regulation of licensees which*
15 *are licensed in multiple jurisdictions.*

16 4. An applicant for a license, *an applicant for the acquisition*
17 *of a licensee* or a licensee shall, in addition to any other fees
18 associated with the license, pay all applicable charges to use the
19 Registry, including, without limitation, any processing charges
20 established by the administrator of the Registry.

21 ~~†3.†~~ 5. The Commissioner may adopt any regulations the
22 Commissioner determines to be necessary or appropriate to carry
23 out the provisions of this section. Such regulations may, without
24 limitation, establish *any* additional procedures and requirements for
25 participation in the Registry ~~†~~

26 ~~—4.†~~ *that the Commissioner determines are consistent with law,*
27 *public interest and the purposes of this section.*

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

31 **Sec. 73.** NRS 671.098 is hereby amended to read as follows:

32 671.098 1. In addition to any other requirements set forth in
33 this chapter, each *natural person who is an* applicant for the
34 issuance of a license pursuant to ~~†this chapter and†~~ *NRS 671.050,*
35 *each natural person in control of such an applicant,* each owner,
36 officer, director and ~~†responsible person†~~ *proposed key individual*
37 of the applicant, each *natural person †in†* *who seeks to acquire* control
38 of ~~†the applicant†~~ *a licensee pursuant to section 50 of this act, each*
39 *person who becomes a key individual of a licensee* and any other
40 person the Commissioner may require in accordance with guidelines
41 of the Registry or other multistate agreements shall submit to *the*
42 *Commissioner through* the Registry:

43 (a) ~~†A†~~ *Except as otherwise provided in subsection 5, a*
44 complete set of fingerprints for submission to the Federal Bureau of
45 Investigation and any other governmental agency or entity



1 authorized to receive such information for a state, national and
2 international background check on the criminal history of the
3 person;

4 (b) ~~Information~~ *Except as otherwise provided in subsection 6,*
5 *information* concerning the personal history, financial history and
6 experience of the person in a form prescribed by the Registry,
7 including, without limitation, an authorization of the person for the
8 Registry and the Commissioner to obtain:

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

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

17 (c) Information related to any *regulatory or* administrative ~~;~~
18 ~~civil or criminal findings made by any governmental jurisdiction~~
19 ~~concerning the person;~~ *action and any civil litigation involving*
20 *claims of fraud, misrepresentation, conversion, mismanagement*
21 *of funds, breach of fiduciary duty or breach of contract;*

22 (d) *Information related to any criminal convictions or pending*
23 *charges against the person; and*

24 (e) Any other information concerning the person that the
25 Registry or Commissioner may require.

26 2. ~~As used in this section:~~

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

28 ~~—(b) “Responsible person” means a person who is employed by~~
29 ~~an applicant and who has principal, active managerial authority over~~
30 ~~the provision of services in this State.] In addition to the~~
31 ~~requirements set forth in subsection 1, if a natural person~~
32 ~~described in subsection 1 has resided outside of the United States~~
33 ~~at any time in the 10 years immediately preceding the date on~~
34 ~~which the applicable application or notice is submitted to the~~
35 ~~Commissioner pursuant to NRS 671.050 or section 50 or 53 of this~~
36 ~~act, the natural person must also submit to the Commissioner,~~
37 ~~through the Registry, an investigative background report prepared~~
38 ~~by an independent search firm.~~

39 3. *The search firm described in subsection 2 must, at a*
40 *minimum:*

41 (a) *Demonstrate to the satisfaction of the Commissioner that it*
42 *has sufficient knowledge and resources and employs accepted and*
43 *reasonable methodologies to conduct the research of the*
44 *investigative background report; and*



1 (b) Not be affiliated with or have an interest with the natural
2 person it is researching.

3 4. The investigative background report described in
4 subsection 2 must, at a minimum, be written in English and
5 contain the following information:

6 (a) If available in the jurisdiction in which the natural person
7 resides, a comprehensive credit report or any equivalent
8 information obtained or generated by the independent search firm
9 to accomplish the investigative background report, including,
10 without limitation, a search of the court data in each country,
11 province, state, city, town and contiguous area where the natural
12 person resided and worked;

13 (b) Criminal records information for the immediately
14 preceding 10 years, including, without limitation, information
15 regarding any felony, misdemeanor or similar conviction for a
16 violation of law in each country, province, state, city, town and
17 contiguous area where the natural person resided and worked;

18 (c) Employment history;

19 (d) Media history, including, without limitation, an electronic
20 search of national and local publications, wire services and
21 business applications; and

22 (e) Regulatory history relating to financial services, including,
23 without limitation, money transmission, securities, banking,
24 insurance and mortgage related industries.

25 5. The requirements of paragraph (a) of subsection 1 do not
26 apply to a natural person who, at the time the applicable
27 application or notice has been submitted pursuant to NRS 671.050
28 or section 50 or 53 of this act, resides outside of the United States
29 and has resided outside of the United States for the 10 years
30 immediately preceding the date on which the application or notice
31 was submitted.

32 6. A natural person who does not have a social security
33 number is not required to provide to the Commissioner
34 information to obtain an independent credit report from a
35 consumer reporting agency.

36 **Sec. 74.** NRS 671.100 is hereby amended to read as follows:

37 671.100 1. Except as provided in NRS 671.110, each licensee
38 shall have in force a surety bond payable to the State of Nevada for
39 the use and benefit of any **purchaser or** holder of any outstanding
40 ~~[check sold or issued by a licensee in the normal course of business]~~
41 **money transmission obligation** and for value in the ~~[following~~
42 ~~minimum]~~ principal ~~[sums:~~

43 —(a) For the first location granted in the license, \$10,000; and

44 —(b) For each additional location in this State where its business
45 is conducted directly or through an agent, \$5,000.



1 ~~→The~~ sum of the greater of:

2 (a) One hundred thousand dollars; or

3 (b) An amount equal to 100 percent of the average daily
4 money transmission liability in this State calculated for the most
5 recently completed quarter, to a maximum ~~[amount]~~ of ~~[any surety~~
6 ~~bond required under this subsection is \$250,000.]~~ \$500,000.

7 2. A licensee may maintain a bond in a principal sum that
8 exceeds \$500,000. A licensee that maintains a bond in a principal
9 sum of more than \$500,000 is not required to calculate the
10 average daily money transmission liability in this State for the
11 purposes of subsection 1.

12 3. The bond must be in a form satisfactory to the
13 Commissioner, issued by a bonding company authorized to do
14 business in this State, and must secure the faithful performance of
15 the obligations of the licensee respecting the ~~[sale or issuance of~~
16 ~~checks and receipt for]~~ provision of money transmission . ~~[or~~
17 ~~transmission of money or credits.~~

18 ~~—3.]~~ 4. A licensee shall, within 10 days after the commencement
19 of any action or notice of entry of any judgment against the licensee
20 by any creditor or claimant arising out of business regulated by this
21 chapter, give notice thereof to the Commissioner by registered or
22 certified mail with details sufficient to identify the action or
23 judgment. The surety shall, within 10 days after it pays any claim
24 or judgment to a creditor or claimant, give notice thereof to the
25 Commissioner by registered or certified mail with details sufficient
26 to identify the creditor or claimant and the claim or judgment so
27 paid.

28 ~~[4.]~~ 5. Whenever the principal sum of the bond is reduced by
29 recoveries or payments thereon, the licensee shall furnish:

30 (a) A new or additional bond so that the total or aggregate
31 principal sum of the bonds equals the sum required under subsection
32 1; or

33 (b) An endorsement, duly executed by the surety reinstating the
34 bond to the required principal sum.

35 ~~[5.]~~ 6. The liability of the surety on the bond to a creditor or
36 claimant is not affected by any misrepresentation, breach of
37 warranty, failure to pay a premium or other act or omission of the
38 licensee, or by any insolvency or bankruptcy of the licensee.

39 ~~[6.]~~ 7. The liability of the surety continues as to all
40 transactions entered into in good faith by the creditors and claimants
41 with the licensee's ~~[agents]~~ authorized delegates within 30 days
42 after:

43 (a) The licensee's death or the dissolution or liquidation of the
44 licensee's business; or



1 (b) The termination of the bond,
2 ↪ whichever event occurs first.

3 ~~[7.]~~ 8. Whenever the Commissioner determines that the
4 protection of the public so requires, the Commissioner may order
5 that an increase be made in the principal sum of the bond of any
6 licensee, except that the Commissioner may not order an increase of
7 more than \$10,000 if the licensee has submitted a current financial
8 statement, or more than \$15,000 otherwise.

9 ~~[8.]~~ 9. Neither a licensee nor the licensee's surety may cancel
10 or alter a bond except after notice to the Commissioner by registered
11 or certified mail. The cancellation or alteration is not effective until
12 10 days after receipt of the notice by the Commissioner. A
13 cancellation or alteration does not affect any liability incurred or
14 accrued on the bond before the expiration of the 30-day period
15 designated in subsection ~~[6.]~~ 7.

16 **Sec. 75.** NRS 671.120 is hereby amended to read as follows:

17 671.120 1. ~~[Except as otherwise provided in subsection 4,~~
18 ~~once each year the]~~ *The Commissioner shall , as often as the*
19 *Commissioner determines to be necessary,* examine the financial
20 accounts of each licensee and any other documents relevant to the
21 conduct of the licensee's business ~~[.]~~ and ~~[the Commissioner]~~ may
22 conduct *other* examinations ~~[at additional times.]~~ *of a licensee or*
23 *authorized delegate that the Commissioner determines to be*
24 *necessary. The Commissioner may take any action authorized by*
25 *the provisions of this chapter or the regulations adopted pursuant*
26 *thereto as reasonably necessary or appropriate to administer and*
27 *enforce the provisions of this chapter, the regulations adopted*
28 *pursuant thereto and other applicable law, including, without*
29 *limitation, the Bank Secrecy Act and the USA Patriot Act.*

30 2. For the purpose of ~~[the examinations,]~~ *an examination*
31 *conducted pursuant to subsection 1,* the Commissioner may
32 ~~[enter] :~~

33 (a) *Enter* upon any of the business premises of a licensee or the
34 licensee's ~~[agents]~~ *authorized delegates* and obtain access to the
35 relevant documents. ~~[Any obstruction or denial of such an entry or~~
36 ~~access is a violation of this chapter.]~~

37 (b) *Conduct such an examination on-site or off-site as the*
38 *Commissioner may reasonably require.*

39 (c) *Conduct such an examination in conjunction with an*
40 *examination conducted by a representative of another agency of*
41 *this State, an agency of another state or an agency of the federal*
42 *government.*

43 (d) *Accept the examination report of another agency of this*
44 *State, an agency of another state or an agency of the federal*
45 *government. Upon acceptance by the Commissioner, such an*



1 *examination report shall be considered an official report of the*
2 *Commissioner.*

3 *(e) Summon and examine under oath a key individual or*
4 *employee of a licensee or authorized delegate and require the key*
5 *individual or employee to produce records regarding any matter*
6 *related to the condition and business of the licensee or authorized*
7 *delegate.*

8 3. *The Commissioner is entitled to full access to all records*
9 *the Commissioner reasonably requires to conduct a complete*
10 *examination. A licensee or authorized delegate shall provide all*
11 *such records at the location and in the format specified by the*
12 *Commissioner. Any person who obstructs or denies the*
13 *Commissioner entry onto the business premises of a licensee or*
14 *authorized delegate or access to the relevant documents of a*
15 *licensee or authorized delegate commits a violation of this chapter.*

16 4. *The Commissioner may use multistate record production*
17 *standards and examination procedures if the Commissioner*
18 *determines that such standards will reasonably achieve the*
19 *requirements of this section.*

20 5. For each examination *of a licensee or an authorized*
21 *delegate of the licensee*, the Commissioner shall charge and collect
22 from the licensee a fee for conducting the examination and in
23 preparing and typing the report at the rate established and, if
24 applicable, adjusted pursuant to NRS 658.101.

25 ~~[4. The Commissioner may accept a report of an audit of the~~
26 ~~licensee which covers the most recent fiscal year in lieu of~~
27 ~~conducting an examination.]~~

28 **Sec. 76.** NRS 671.140 is hereby amended to read as follows:

29 671.140 In every place of business licensed or covered by a
30 license under this chapter, *and on the Internet website of each*
31 *licensee and authorized delegate*, there ~~[shall]~~ *must*
32 conspicuously posted at all times a schedule of the rates charged for
33 ~~[the sale or issuance of checks and the receipt for]~~ *money*
34 *transmission . [or transmission of money or credits.]* No fees may be
35 charged or collected in excess of the posted rates.

36 **Sec. 77.** NRS 671.150 is hereby amended to read as follows:

37 671.150 1. All money , ~~[or]~~ *credits or monetary value*
38 *received by an [agent] authorized delegate* of a licensee from ~~[the~~
39 ~~sale and issuance of checks or for the purpose of]~~ *money*
40 *transmission must be remitted to the licensee . [or deposited with a*
41 ~~bank or credit union authorized to do business in this state for credit~~
42 ~~to an account of the licensee not later than the third business day~~
43 ~~following its receipt.]~~



1 2. ~~Money received from the sale or issuance of checks or for~~
2 ~~the purpose of transmission must not be commingled with the other~~
3 ~~assets of the licensee or his or her agents.~~

4 ~~—3.] If a license is suspended or terminated, the licensee shall~~
5 ~~immediately deposit in an account in the name of the Commissioner,~~
6 ~~an amount which is sufficient to make the total money in the~~
7 ~~account equal to all outstanding [checks in the State of Nevada sold~~
8 ~~or issued and money or credits received but not transmitted.~~

9 ~~—4. Each licensee shall at all times maintain liquid assets,~~
10 ~~government or municipal securities or other marketable securities~~
11 ~~having a value, computed in accordance with generally accepted~~
12 ~~accounting principles, equal to or more than the aggregate liability~~
13 ~~of the licensee with respect to checks sold and issued and money or~~
14 ~~credits received for] money transmission [.] obligations of the~~
15 ~~licensee in this State.~~

16 3. *As used in this section, “remit” has the meaning ascribed*
17 *to it in section 38 of this act.*

18 **Sec. 78.** NRS 671.170 is hereby amended to read as follows:

19 671.170 1. The Commissioner may conduct any necessary
20 investigations and hearings to determine whether any licensee ,
21 *authorized delegate* or other person has violated any of the
22 provisions of this chapter or whether any licensee has conducted
23 himself or herself in a manner which requires the suspension,
24 revocation or denial of renewal of his or her license.

25 2. In conducting any investigation or hearing pursuant to this
26 chapter, the Commissioner, or any person designated by the
27 Commissioner, may require the attendance and testimony of any
28 person and compel the production of all relevant books, records,
29 accounts and other documents. The Commissioner shall charge and
30 collect from each licensee or other person a fee at the rate
31 established and, if applicable, adjusted pursuant to NRS 658.101 for
32 the cost of any supervision, audit, examination, investigation or
33 hearing conducted pursuant to this chapter or any regulations
34 adopted pursuant thereto.

35 3. ~~Each licensee shall submit to the Registry, on or before~~
36 ~~April 15 of each year, an annual report of condition on a form~~
37 ~~prescribed by the Commissioner.] The Commissioner may require~~
38 ~~any licensee to submit such reports concerning the licensee’s~~
39 ~~business as the Commissioner deems necessary for the enforcement~~
40 ~~of this chapter.~~

41 4. Except as otherwise provided in NRS 239.0115, *and section*
42 *37 of this act*, all reports of investigations and examinations and
43 other reports rendered pursuant to this section, ~~and~~ all
44 correspondence and memoranda relating to or arising therefrom,
45 including any authenticated copies thereof in the possession of any



1 licensee or the Commissioner, *and all other information related to*
2 *an examination or investigation* are confidential communications,
3 are not subject to any subpoena, and must not be made public unless
4 the Commissioner determines that justice and the public advantage
5 will be served by their publication. This subsection does not
6 preclude any party to an administrative or judicial proceeding from
7 introducing into evidence any information or document otherwise
8 available or admissible.

9 **Sec. 79.** NRS 671.180 is hereby amended to read as follows:

10 671.180 1. If the Commissioner has reason to believe that
11 grounds exist for the suspension, revocation or denial of renewal of
12 a license, the Commissioner shall give 10 days' written notice to the
13 licensee, stating the grounds therefor, and shall set a date for a
14 hearing, if a hearing is requested by the licensee. If the protection of
15 the public so requires, the Commissioner may suspend the license at
16 any time before the hearing.

17 2. At the conclusion of the hearing, the Commissioner shall
18 enter a written order either dismissing the charges or suspending,
19 revoking or denying the renewal of the license. The order must
20 include a statement of the grounds for the action taken by the
21 Commissioner and becomes effective 10 days after receipt of a copy
22 of the order by the licensee at the licensee's principal place of
23 business. The Commissioner may immediately suspend, revoke or
24 deny the renewal of the license in a case where the licensee has
25 failed to maintain in effect the required surety bond or insurance
26 policy.

27 3. The grounds for suspension, revocation or denial of renewal
28 of a license are ~~that~~ *that*:

29 (a) ~~Failure~~ *The licensee has failed* to pay the annual fee for
30 renewal or the fee for late renewal;

31 (b) ~~Failure~~ *The licensee has failed* to maintain in effect the
32 required bond or securities;

33 (c) ~~Fraud,~~ *The licensee has committed an act of fraud,*
34 *misrepresentation or* ~~omission of~~ *gross negligence or has omitted*
35 *any material fact in any application, statement or report;*

36 (d) ~~Failure~~ *The licensee has failed* to pay any judgment
37 arising from the licensee's business within 30 days after the
38 judgment becomes final or within 30 days after the expiration of a
39 stay of execution on the judgment; ~~or~~

40 (e) ~~Violation~~ *The licensee has failed to cooperate with an*
41 *examination or investigation by the Commissioner;*

42 (f) *The competence, experience, character or general fitness of*
43 *the licensee, an authorized delegate of the licensee, a responsible*
44 *person of such an authorized delegate, a person in control of the*
45 *licensee or a key individual of the licensee indicates that it is not*



1 *in the public interest to allow the licensee to provide money*
2 *transmission;*

3 *(g) The licensee has engaged in an unsafe or unsound*
4 *practice;*

5 *(h) The licensee is insolvent, suspends payment of its*
6 *obligations or makes a general assignment for the benefit of its*
7 *creditors;*

8 *(i) The licensee has not removed an authorized delegate of the*
9 *licensee after the Commissioner issued and served on the licensee*
10 *a final order that includes a finding that the authorized delegate*
11 *has committed a violation* of any provision of this chapter or any
12 regulation adopted or order issued by the Commissioner pursuant to
13 this chapter ~~H~~;

14 *(j) An authorized delegate of the licensee, as a result of the*
15 *willful misconduct or willful blindness of the licensee, has been*
16 *convicted of a violation of a state or federal anti-money*
17 *laundering statute or has committed a violation of any provision of*
18 *this chapter or any regulation adopted or order issued by the*
19 *Commissioner pursuant to this chapter; or*

20 *(k) The licensee has committed a violation of any provision of*
21 *this chapter or any regulation adopted or order issued by the*
22 *Commissioner pursuant to this chapter.*

23 4. *In determining whether a licensee has engaged in an*
24 *unsafe or unsound practice pursuant to paragraph (g) of*
25 *subsection 3, the Commissioner may consider the size and*
26 *condition of the money transmission of the licensee, the*
27 *magnitude of the loss, the gravity of the violation of the provisions*
28 *of this chapter or the regulations adopted or order issued by the*
29 *Commissioner pursuant thereto and the previous conduct of the*
30 *licensee.*

31 5. Any action taken by the Commissioner pursuant to this
32 section is subject to judicial review in the first judicial district court.

33 **Sec. 80.** NRS 671.185 is hereby amended to read as follows:

34 671.185 1. In addition to any other remedy or penalty, the
35 Commissioner may impose an administrative fine of not more than
36 \$10,000 upon a person who:

37 ~~H~~ (a) Without a license, conducts any business or activity for
38 which a license is required pursuant to the provisions of this chapter;
39 or

40 ~~I2~~ (b) Violates any provision of this chapter or any regulation
41 adopted pursuant thereto.

42 2. *In addition to the administrative fine prescribed in*
43 *subsection 1, the Commissioner may impose on a person who*
44 *violates any provision of this chapter or any regulation adopted or*
45 *order issued by the Commissioner pursuant thereto a civil penalty*



1 *of not more than \$1,000 per day of the violation, and each day's*
2 *continuance of the violation constitutes a separate and distinct*
3 *violation. The Commissioner may recover the reasonable costs of*
4 *enforcing this subsection, including, without limitation, the costs*
5 *of investigating and prosecuting the violations and reasonable*
6 *attorney's fees and costs.*

7 **Sec. 81.** NRS 671.190 is hereby amended to read as follows:

8 671.190 1. Any person who:

9 (a) *Without a license, knowingly engages in any activity for*
10 *which a license is required pursuant to this chapter;*

11 (b) Violates any provision of this chapter, or any regulation
12 adopted or order issued by the Commissioner pursuant to this
13 chapter;

14 ~~(b)~~ (c) Knowingly makes any false or misleading statement of
15 a material fact in any application, statement or report filed pursuant
16 to this chapter;

17 ~~(e)~~ (d) Knowingly omits to state any material fact necessary to
18 provide the Commissioner with information lawfully required by the
19 Commissioner; or

20 ~~(d)~~ (e) Refuses to permit or obstructs any lawful investigation,
21 examination, entry or access by the Commissioner,

22 ↪ is guilty of a misdemeanor.

23 2. Each day during which a violation continues constitutes a
24 separate offense.

25 3. The imposition of any fine or term of imprisonment pursuant
26 to subsection 1:

27 (a) Is in addition to any suspension, revocation or denial of
28 renewal of a license which may result from the violation.

29 (b) Is not a bar to enforcement of this chapter by an injunction
30 or other appropriate civil remedy.

31 **Sec. 82.** NRS 239.010 is hereby amended to read as follows:

32 239.010 1. Except as otherwise provided in this section and
33 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
34 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
35 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
36 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
37 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
38 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
39 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
40 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
41 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
42 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
43 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
44 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
45 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,



1 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
2 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
3 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
4 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
5 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
6 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
7 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
8 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
9 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
10 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
11 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
12 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
13 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
14 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
15 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
16 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
17 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
18 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
19 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
20 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
21 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
22 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
23 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
24 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
25 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
26 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
27 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
28 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
29 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
30 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
31 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
32 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
33 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
34 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
35 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
36 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
37 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
38 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
39 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
40 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
41 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
42 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
43 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
44 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
45 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,



1 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
2 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
3 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
4 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
5 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
6 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
7 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
8 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
9 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
10 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
11 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
12 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
13 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
14 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
15 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
16 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
17 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
18 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
19 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
20 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
21 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
22 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
23 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
24 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
25 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
26 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
27 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
28 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
29 711.600, *and section 37 of this act*, sections 35, 38 and 41 of
30 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
31 Statutes of Nevada 2013 and unless otherwise declared by law to be
32 confidential, all public books and public records of a governmental
33 entity must be open at all times during office hours to inspection by
34 any person, and may be fully copied or an abstract or memorandum
35 may be prepared from those public books and public records. Any
36 such copies, abstracts or memoranda may be used to supply the
37 general public with copies, abstracts or memoranda of the records or
38 may be used in any other way to the advantage of the governmental
39 entity or of the general public. This section does not supersede or in
40 any manner affect the federal laws governing copyrights or enlarge,
41 diminish or affect in any other manner the rights of a person in any
42 written book or record which is copyrighted pursuant to federal law.
43 2. A governmental entity may not reject a book or record
44 which is copyrighted solely because it is copyrighted.



1 3. A governmental entity that has legal custody or control of a
2 public book or record shall not deny a request made pursuant to
3 subsection 1 to inspect or copy or receive a copy of a public book or
4 record on the basis that the requested public book or record contains
5 information that is confidential if the governmental entity can
6 redact, delete, conceal or separate, including, without limitation,
7 electronically, the confidential information from the information
8 included in the public book or record that is not otherwise
9 confidential.

10 4. If requested, a governmental entity shall provide a copy of a
11 public record in an electronic format by means of an electronic
12 medium. Nothing in this subsection requires a governmental entity
13 to provide a copy of a public record in an electronic format or by
14 means of an electronic medium if:

15 (a) The public record:

16 (1) Was not created or prepared in an electronic format; and

17 (2) Is not available in an electronic format; or

18 (b) Providing the public record in an electronic format or by
19 means of an electronic medium would:

20 (1) Give access to proprietary software; or

21 (2) Require the production of information that is confidential
22 and that cannot be redacted, deleted, concealed or separated from
23 information that is not otherwise confidential.

24 5. An officer, employee or agent of a governmental entity who
25 has legal custody or control of a public record:

26 (a) Shall not refuse to provide a copy of that public record in the
27 medium that is requested because the officer, employee or agent has
28 already prepared or would prefer to provide the copy in a different
29 medium.

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

34 **Sec. 83.** Notwithstanding the amendatory provisions of this
35 act, a person who, on June 30, 2023, holds a valid license issued by
36 the Commissioner of Financial Institutions pursuant to NRS
37 671.060 is not required to comply with the amendatory provisions
38 of this act until January 1, 2024, and, until that date, may engage in
39 the business of selling or issuing checks or of receiving for
40 transmission money or credits in accordance with the provisions of
41 chapter 671 of NRS, as those provisions existed before July 1, 2023.

42 **Sec. 84.** NRS 671.010, 671.055 and 671.090 are hereby
43 repealed.

44 **Sec. 85.** This act becomes effective on July 1, 2023.



TEXT OF REPEALED SECTIONS

671.010 Definitions. 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 NRS 604A.083.

671.055 Application for license: Additional requirements.

In addition to any other requirements set forth by specific statute, each person who applies for a license to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits must submit proof satisfactory to the Commissioner that the person:

1. Is at least 21 years of age; and

2. Is a citizen of the United States or lawfully entitled to remain and work in the United States.

671.090 Agents of licensees: When license required; application; fees; regulations; withdrawal of application.

1. A separate license is not required for an agent of a licensee unless the agent directly sells or delivers the licensee's checks over the counter to the public and, in the ordinary course of such business, receives or has access to:

(a) The licensee's checks which, after payment, are returned through banking channels or otherwise for verification, reconciliation or accounting with respect thereto; or

(b) Bank statements relating to checks so returned.

2. Each agent of a licensee who must be licensed pursuant to subsection 1 must:

(a) Submit an application to the Commissioner which is in writing, signed by the applicant and on a form prescribed by the Commissioner;

(b) Pay an application fee of not less than \$200 and not more than \$500; and

(c) Pay a license fee of not less than \$200 and not more than \$500.

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



4. 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.

