

Amendment No. 16

Assembly Amendment to Assembly Bill No. 21	(BDR 55-273)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 21.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SJQ/BAW



Date: 4/5/2023

A.B. No. 21—Revises provisions related to persons engaged in the transmission of money and certain related activities. (BDR 55-273)



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:

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

Sections 4-32 of this bill define words and terms for the purposes of this bill. **Section 20** of this bill defines “money transmission” to mean: (1) selling or issuing payment instruments

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11 to a person located in this State; (2) selling or issuing stored value to a person located in this
12 State; or (3) receiving money or credits for transmission from a person located in this State.
13 **Section 20** provides that the term includes payroll processing services and does not include
14 the provision of certain other services.

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

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

25 **Section 36** of this bill authorizes the Commissioner to engage in various activities to
26 carry out the purposes of the provisions of ~~[this bill, including, among other things, imposing~~
27 ~~proportionate and equitable fees and costs for actions required to achieve the purposes of]~~ this
28 bill.

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

36 **Section 38** of this bill requires a licensee who wishes to engage in the business of money
37 transmission through an authorized delegate to: (1) enter into a written contract with the
38 authorized delegate that meets certain requirements; and (2) take certain other actions. **Section**
39 **71** of this bill makes a conforming change to refer to an authorized delegate instead of a duly
40 appointed agent.

41 Existing law requires all money or credit received by an agent of a licensee from the sale
42 and issuance of checks or for the purpose of transmission to be remitted to the licensee or
43 deposited with a bank or credit union authorized to do business in this State within a certain
44 amount of time following the receipt of the money or credits. (NRS 671.150) **Sections 38, 40**
45 **and ~~77~~ 84** of this bill revise requirements regarding the remittance of money, credits or
46 monetary value by a person who engages in money transmission on behalf of a licensee.
47 **Section ~~77~~ 38** requires ~~that~~ **an authorized delegate to remit and handle** money, credits
48 and monetary value ~~received by an authorized delegate for money transmission to be remitted~~
49 ~~to~~ **in accordance with the terms of the written contract entered into with the** licensee.
50 **Section 38** defines "remit" to mean, in general, to make a direct payment of money, credits or
51 monetary value to a licensee or to deposit money in an account in a bank or credit union
52 specified by the licensee. **Section 38** provides that all money net of fees received by an
53 authorized delegate from money transmission is held in trust by the authorized delegate to the
54 benefit of the licensee. **Section 40** provides that an authorized delegate who knowingly fails to
55 remit money held in trust for the benefit of a licensee is guilty of a misdemeanor.

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

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

62 Existing law requires a licensee to at all times maintain certain securities or assets having
63 a value that is equal to or more than the aggregate liability of the licensee with respect to
64 checks sold and issued and money or credits received for transmission. (NRS 671.150)
65 **Section ~~77~~ eliminates** **84** **repeals** that requirement. **Section 45** of this bill instead requires a
66 licensee to maintain at all times permissible investments with a market value of not less than
67 the aggregate amount of all of the outstanding money transmission obligations, as defined in
68 **section 23** of this bill, of the licensee. **Sections 46 and 47** of this bill set forth the investments
69 that qualify as permissible investments for the purposes of **section 45**.

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

Existing law requires the rates charged for services related to money transmission to be posted in every place of business licensed or covered by a license ~~and~~ **and prohibits fees from being charged or collected in excess of the posted rates.** (NRS 671.140) **Section 84** ~~of this bill additionally requires such rates to be posted on the Internet website of each licensee and authorized delegate.~~ **84 repeals those provisions.**

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

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

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

Existing law requires an applicant for a license and certain other persons to submit to the Registry a complete set of fingerprints and certain information relating to the background of the person. (NRS 671.098) **Section 73** of this bill: (1) requires certain additional information to be submitted to the Commissioner through the Registry; and (2) revises the list of persons who are required to submit a complete set of fingerprints and such information.

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

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

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

~~[Section 80 of this bill authorizes the Commissioner to impose a civil penalty for any violation of the provisions of this bill of not more than \$1,000 per day of the violation.]~~

Section 81 of this bill provides that any person who, without a license, knowingly engages in any activity for which a license is required is guilty of a misdemeanor.

Section 55 of this bill provides that, if a provision of this bill is inconsistent with a federal law governing money transmission, the federal law governs to the extent of the inconsistency.

Section 65 of this bill requires that consideration of the need to promote uniformity of the law with respect to money transmission be given in applying and construing the provisions of this bill.

Section 83 of this bill authorizes a person who is licensed on June 30, 2023, to engage in the business of selling or issuing checks or of receiving for transmission money or credits to

129 continue engaging in such business in accordance with the provisions of existing law as they
130 existed before July 1, 2023, until January 1, 2024.

131 **Section 84** ~~of this bill~~ repeals certain provisions relating to an agent of a licensee, ~~and~~
132 certain qualifications for licensure ~~and~~ **and certain requirements imposed on licensees and**
133 **their agents.** **Section 84** also repeals the definition of “check,” “licensee” and “Nationwide
134 Multistate Licensing System and Registry.” **Sections 14 and 22** of this bill, respectively,
135 reenact the definitions of “licensee” and “Nationwide Multistate Licensing System and
136 Registry.” **Section 1** of this bill makes a conforming change to reflect the terminology used to
137 describe persons licensed to engage in the business of money transmission as set forth in this
138 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 Commissioner shall
3 collect an assessment pursuant to this section from each:
4 (a) Check-cashing service or deferred deposit loan service that is supervised
5 pursuant to chapter 604A of NRS;
6 (b) Collection agency that is supervised pursuant to chapter 649 of NRS;
7 (c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;
8 (d) Trust company or family trust company that is supervised pursuant to
9 chapter 669 or 669A of NRS;
10 (e) Person engaged in the business of ~~selling or issuing checks or of receiving~~
11 ~~for transmission or transmitting~~ money ~~for credits~~ **transmission** that is supervised
12 pursuant to chapter 671 of NRS;
13 (f) Savings and loan association or savings bank that is supervised pursuant to
14 chapter 673 of NRS;
15 (g) Person engaged in the business of lending that is supervised pursuant to
16 chapter 675 of NRS;
17 (h) Thrift company that is supervised pursuant to chapter 677 of NRS; and
18 (i) Credit union that is supervised pursuant to chapter 672 of NRS.
19 (j) Consumer litigation funding company that is supervised pursuant to chapter
20 604C of NRS.
21 2. The Commissioner shall determine the total amount of all assessments to
22 be collected from the entities identified in subsection 1, but that amount must not
23 exceed the amount necessary to recover the cost of legal services provided by the
24 Attorney General to the Commissioner and to the Division of Financial Institutions.
25 The total amount of all assessments collected must be reduced by any amounts
26 collected by the Commissioner from an entity for the recovery of the costs of legal
27 services provided by the Attorney General in a specific case.
28 3. The Commissioner shall collect from each entity identified in subsection 1
29 an assessment that is based on:
30 (a) A portion of the total amount of all assessments as determined pursuant to
31 subsection 2, such that the assessment collected from an entity identified in
32 subsection 1 shall bear the same relation to the total amount of all assessments as
33 the total assets of that entity bear to the total of all assets of all entities identified in
34 subsection 1; or
35 (b) Any other reasonable basis adopted by the Commissioner.
36 4. The assessment required by this section is in addition to any other
37 assessment, fee or cost required by law to be paid by an entity identified in
38 subsection 1.

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

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

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

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

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

14 **Sec. 6.** *“Bank Secrecy Act” means the Bank Secrecy Act, 31 U.S.C. §§*
15 *5311 et seq., as amended, and the regulations adopted pursuant thereto.*

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

17 **Sec. 8.** *“Closed loop stored value” means stored value that is redeemable*
18 *by the issuer only for goods or services provided by the issuer, its affiliate or a*
19 *franchisee of the issuer or its affiliate, except to the extent required by applicable*
20 *law to be redeemable in cash for its cash value.*

21 **Sec. 9. 1.** *“Control” means:*

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

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

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

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

34 3. *In determining the percentage of a person controlled by any other*
35 *person, the interest of the person must be aggregate with the interest of any other*
36 *immediate family member. For the purposes of this subsection, “immediate*
37 *family member” means the spouse, parent, child, sibling, mother-in-law, father-*
38 *in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law of a person*
39 *and any person who shares the home of the person.*

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

45 2. *The term includes:*

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

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

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

1 **Sec. 12.** *“Federally insured depository financial institution” means a bank,*
2 *credit union, savings and loan association, savings association, savings bank,*
3 *industrial bank or industrial loan company organized under the laws of any state*
4 *or of the United States, when the bank, credit union, savings and loan*
5 *association, savings association, savings bank, industrial bank or industrial loan*
6 *company has deposits which are federally insured.*

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

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

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

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

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

21 **Sec. 18.** *“Money or credits received for transmission” means any money,*
22 *credits or monetary value received in the United States for transmission within or*
23 *outside the United States by electronic or other means.*

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

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

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

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

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

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

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

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

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

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

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

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

1 2. *For the purposes of this section, a person is located in the United States if*
2 *the person is located in any state, territory or possession of the United States, the*
3 *District of Columbia, the Commonwealth of Puerto Rico or a United States*
4 *military installation that is located in a foreign county.*

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

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

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

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

14 4. *Does either of the following:*

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

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

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

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

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

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

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

31 1. *Deliver wages or salaries;*

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

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

34 4. *Make distributions of other authorized deductions from wages or*
35 *salaries.*

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

39 **Sec. 28.** *“Privately insured depository financial institution” means a credit*
40 *union, thrift company or industrial loan company organized and regulated under*
41 *the laws of this State, when such a credit union or thrift company has deposits*
42 *which are insured by a private insurer approved by the Commissioner and the*
43 *Commissioner of Insurance.*

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

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

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

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

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

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

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

12 1. For a transaction requested in person, the transaction is requested by a
13 person at a physical location in this State.

14 2. For a transaction requested electronically or by telephone, the provider
15 of money transmission determines that the person requesting the transaction is
16 located in this State based on the information available to the provider. Such
17 information may include, without limitation:

18 (a) Information provided by the person regarding the residential address of
19 the person, if the person is a natural person, or the address of the principal place
20 of business or other physical address of the person, if the person is a business
21 entity; and

22 (b) Any other information contained in the records of the provider of money
23 transmission which indicate the location of the person, including, without
24 limitation, an address associated with an account.

25 **Sec. 34.** The Commissioner may, by regulation or order, exempt a person
26 who is not specified in NRS 671.020 from the provisions of this chapter if the
27 Commissioner determines that the exemption is in the public interest and the
28 regulation of the person is not necessary for the purposes of this chapter.

29 **Sec. 35.** The Commissioner may require any person claiming to be exempt
30 from the provisions of this chapter pursuant to NRS 671.020 to provide to the
31 Commissioner information and documentation demonstrating that the person
32 qualifies for any claimed exemption.

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

35 (a) Enter into agreements or relationships with other governmental officials,
36 federal and state regulatory agencies and regulatory associations in order to
37 improve efficiencies and reduce regulatory burden by standardizing methods or
38 procedures and sharing resources, records or related information obtained under
39 this chapter;

40 (b) Use, hire, contract or employ analytical systems, methods or software to
41 examine or investigate any person subject to this chapter;

42 (c) Accept from other state or federal governmental agencies or officials
43 licensing, examination or investigation reports made by such agencies or
44 officials; and

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

48 2. The Commissioner shall administer, interpret and enforce the provisions
49 of this chapter and may adopt such regulations as the Commissioner deems
50 appropriate for those purposes. ~~[In addition to any other fees authorized by this
51 chapter, the Commissioner may impose and collect proportionate and equitable
52 fees and costs associated with any actions required to achieve the purposes of this
53 chapter.]~~

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

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

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

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

11 **2.** *The Commissioner may disclose the information described in subsection*
12 *1 and NRS 671.170:*

13 *(a) To a representative of a state or federal agency who promises in a record*
14 *to maintain the confidentiality of the information; and*

15 *(b) To any person if the Commissioner finds that justice and the public*
16 *advantage will be served by the disclosure of the information.*

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

19 **4.** *The Commissioner may make available to the public on the Internet*
20 *website of the Division of Financial Institutions, upon receipt by the Division of*
21 *Financial Institutions of a written request or in the Registry, any information in*
22 *the records of the Division of Financial Institutions that is not confidential,*
23 *including, without limitation:*

24 *(a) The name, business address, telephone number and unique identifier of a*
25 *licensee;*

26 *(b) The business address of the registered agent of a licensee who has been*
27 *designated to receive service on behalf of the licensee;*

28 *(c) The name, business address and telephone number of all authorized*
29 *delegates of a licensee;*

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

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

36 *(f) The imposition of an administrative fine or penalty pursuant to this*
37 *chapter.*

38 **5.** *As used in this section, “unique identifier” has the meaning ascribed to it*
39 *in NRS 671.099.*

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

43 *(a) Adopted, and updated as necessary, written policies and procedures*
44 *reasonably designed to ensure that authorized delegates of the licensee comply*
45 *with applicable state and federal laws;*

46 *(b) Entered into a written contract with the authorized delegate that complies*
47 *with subsection 3; and*

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

51 **2.** *An authorized delegate shall operate in compliance with the provisions of*
52 *this chapter.*

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

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

6 (b) Set forth the nature and scope of the relationship between the licensee
7 and the authorized delegate and the respective rights and responsibilities of the
8 parties;

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

14 (d) Require the authorized delegate to remit and handle money, credits and
15 monetary value in accordance with ~~NRS 671.150 and~~ the terms of the contract
16 between the licensee and the authorized delegate;

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

19 (f) Require the authorized delegate to prepare and maintain records as
20 required by this chapter and the regulations adopted pursuant thereto, or as
21 reasonably requested by the Commissioner;

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

24 (h) State that the licensee is subject to regulation by the Commissioner and
25 that, as part of that regulation, the Commissioner may suspend or revoke the
26 designation of an authorized delegate or require the licensee to terminate the
27 designation of an authorized delegate; and

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

30 4. If the license of a licensee is suspended, revoked, surrendered or expired,
31 the licensee must, within 5 business days after the date on which such action
32 occurred, provide documentation to the Commissioner that the licensee has
33 notified all applicable authorized delegates of the licensee whose names are in a
34 record filed with the Commissioner of the suspension, revocation, surrender or
35 expiration of the license. Upon suspension, revocation, surrender or expiration of
36 a license, applicable authorized delegates shall immediately cease to provide
37 money transmission as an authorized delegate of the licensee.

38 5. An authorized delegate of a licensee holds in trust for the benefit of the
39 licensee all money net of fees received from money transmission. If any
40 authorized delegate commingles any money or credits received from money
41 transmission with any other money or property owned or controlled by the
42 authorized delegate, all commingled money and other property shall be
43 considered held in trust in favor of the licensee in an amount equal to the amount
44 of money net of fees received from money transmission.

45 6. An authorized delegate may not use a subdelegate to conduct money
46 transmission on behalf of a licensee.

47 7. As used in this section, "remit" means to make direct payments of money,
48 credits or monetary value to a licensee or its representative authorized to receive
49 money or to deposit money in an account specified by the licensee in a bank or
50 credit union authorized to do business in this State

51 Sec. 39. A person shall not engage in the business of money transmission
52 on behalf of a person not licensed under this chapter or who is not exempt from
53 licensure under this chapter. A person that engages in such activity provides

1 *money transmission to the same extent as if the person were a licensee and is*
2 *jointly and severally liable with the unlicensed or nonexempt person.*

3 **Sec. 40.** *1. If, in any action brought by a licensee against an authorized*
4 *delegate, the court finds that the authorized delegate failed to remit money in*
5 *accordance with the written contract with the licensee required by section 38 of*
6 *this act or as otherwise directed by the licensee or required by law, the court may*
7 *grant appropriate equitable or legal relief, including, without limitation,*
8 *prohibiting the authorized delegate from directly or indirectly acting as an*
9 *authorized delegate for any licensee in this State and the payment of restitution,*
10 *damages or other monetary relief.*

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

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

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

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

18 *4. As used in this section, "remit" means to make direct payments of money,*
19 *credits or monetary value to a licensee or its representative authorized to receive*
20 *money or to deposit money in an account specified by the licensee in a bank or*
21 *credit union authorized to do business in this State.*

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **Sec. 43.** 1. Except as otherwise provided in this section, a licensee or
7 authorized delegate shall provide to a sender a receipt for all money or credit
8 received for transmission. For a transaction conducted in person, the receipt may
9 be provided electronically if the sender requests or agrees to receive an electronic
10 receipt. For a transaction conducted electronically or by telephone, a receipt may
11 be provided electronically. If a licensee provides an electronic receipt, the
12 electronic receipt must be 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 used by the
15 licensee or authorized delegate to advertise, solicit or negotiate, either orally or in
16 writing, for a transaction conducted in person, electronically or by phone; and

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

18 (1) The name of the sender;

19 (2) The name of the designated recipient;

20 (3) The date of the transaction;

21 (4) The unique transaction or identification number;

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

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

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

26 (8) Any taxes collected by the licensee from the sender for the
27 transaction.

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

31 (a) The name and phone number of the Division of Financial Institutions;
32 and

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

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

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

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

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

44 (d) Payroll processing services.

45 5. As used in this section:

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

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

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

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

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

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

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

9 2. *Except for the permissible investments specified in subsection 1 of*
10 *section 46 of this act, the Commissioner, with respect to any licensee, may limit*
11 *the extent to which a specific investment maintained by a licensee within a class*
12 *of permissible investments may be considered a permissible investment if the*
13 *specific investment represents an undue risk to customers not reflected in the*
14 *market value of investments.*

15 3. *Permissible investments, even if commingled with other assets of the*
16 *licensee, are held in trust for the benefit of the purchasers and holders of the*
17 *outstanding money transmission obligations of the licensee if any of the*
18 *following occurs:*

19 (a) *Insolvency;*

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

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

23 (d) *The commencement of any other judicial or administrative proceeding*
24 *for the dissolution or reorganization of the licensee; or*

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

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

30 5. *Upon the establishment of a statutory trust pursuant to subsection 3 or*
31 *when any money is drawn on a letter of credit pursuant to section 47 of this act,*
32 *the Commissioner shall notify the applicable regulator of each other state in*
33 *which the licensee is licensed to engage in money transmission, if any, of the*
34 *establishment of the trust or the money drawn on the letter of credit. The notice*
35 *shall be deemed satisfied if performed pursuant to a multistate agreement or*
36 *through the Registry.*

37 6. *Money drawn on a letter of credit, and any other permissible investments*
38 *held in trust for the benefit of the purchasers or holders of the outstanding money*
39 *transmission obligations of the licensee pursuant to subsection 3, are deemed*
40 *held in trust for the benefit of such purchasers and holders on a pro rata and*
41 *equitable basis in accordance with statutes pursuant to which permissible*
42 *investments are required to be held in this State and other states, as applicable.*
43 *Any statutory trust established pursuant to subsection 3 is terminated upon*
44 *extinguishment of all of the outstanding money transmission obligations of the*
45 *licensee.*

46 7. *The Commissioner may allow types of investments other than the types*
47 *specified in section 46 of this act that the Commissioner determines are of*
48 *sufficient liquidity and quality to be a permissible investment. The Commissioner*
49 *may participate in efforts with other state regulators to determine that other types*
50 *of investments are of sufficient liquidity and quality to be a permissible*
51 *investment.*

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

1 (a) Cash, including demand deposits, savings deposits and money in
2 accounts held for the benefit of the customers of the licensee in a federally
3 insured depository financial institution or privately insured depository financial
4 institution;

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

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

16 (d) An obligation of the United States or a commission, agency or
17 instrumentality thereof;

18 (e) An obligation that is guaranteed fully as to principal and interest by the
19 United States;

20 (f) An obligation of a state or a governmental subdivision, agency or
21 instrumentality thereof;

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

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

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

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

31 2. Except as otherwise provided in subsection 3, the following investments
32 are permissible investments subject to the limitations set forth in this subsection:

33 (a) Receivables that are payable to a licensee from the authorized delegates
34 of the licensee in the ordinary course of business that are less than 7 days old,
35 except that:

36 (1) The total value of all such receivables may not exceed 50 percent of
37 the aggregate value of the total permissible investments of the licensee; and

38 (2) The value of such receivables that are payable to a licensee from a
39 single authorized delegate may not exceed 10 percent of the aggregate value of
40 the total permissible investments of a licensee;

41 (b) Any of the following investments:

42 (1) A short-term investment of 6 months or less bearing an eligible
43 rating;

44 (2) Commercial paper bearing an eligible rating;

45 (3) A bill, note, bond or debenture bearing an eligible rating;

46 (4) United States tri-party repurchase agreements collateralized at 100
47 percent or more with securities of the United States or an agency of the United
48 States, municipal bonds or other securities bearing an eligible rating;

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

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

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

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

14 (1) Has an eligible rating;

15 (2) Has registered with the Internal Revenue Service and obtained a
16 global intermediary identification number in accordance with 26 C.F.R. §§
17 1.1471-0 et seq.;

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

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

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

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

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

29 (a) Be issued by a federally insured depository financial institution, privately
30 insured depository institution, a foreign bank that is authorized by federal law to
31 maintain a federal agency or federal branch office in a state or a foreign bank
32 that is authorized under the laws of a state to maintain a branch office in a state
33 that:

34 (1) Bears an eligible rating or whose parent company bears an eligible
35 rating; and

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

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

40 (c) Not contain any reference to any other agreement, document or entity, or
41 otherwise provide for any security interest in the licensee;

42 (d) Contain an issue date and expiration date, and expressly provide for
43 automatic extension, without a written amendment, for an additional period of 1
44 year after the present or future expiration date, unless the issuer of the letter of
45 credit notifies the Commissioner in writing by certified or registered mail, courier
46 mail or other receipted means, at least 60 days before any expiration date that the
47 irrevocable letter of credit will not be extended; and

48 (e) Provide that the issuer of the letter of credit will honor, at sight, a
49 presentation made by the beneficiary to the issuer of the following documents on
50 or before the expiration date of the letter of credit:

51 (1) The original letter of credit, including any amendments; and

52 (2) A written statement from the beneficiary stating that any of the
53 following events has occurred:

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

3 (II) *The filing of a petition by or against the licensee for receivership*
4 *or the commencement of any other judicial or administrative proceeding for the*
5 *dissolution or reorganization of the licensee;*

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

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

14 2. *If the licensee notifies the Commissioner of the expiration or*
15 *nonextension of a letter of credit pursuant to paragraph (d) of subsection 1, the*
16 *licensee, at least 15 days before the expiration of the letter of credit, must*
17 *demonstrate to the satisfaction of the Commissioner that the licensee maintains*
18 *and will continue to maintain permissible investments as required by section 45*
19 *of this act. If the licensee fails to make such a demonstration, the Commissioner*
20 *may draw on the letter of credit in an amount up to the amount necessary to meet*
21 *the requirement that the licensee maintain permissible investments pursuant to*
22 *section 45 of this act. The draw must be offset against the outstanding money*
23 *transmission obligations of the licensee. The drawn money must be held in trust*
24 *by the Commissioner or the designated agent of the Commissioner, to the extent*
25 *authorized by law, as agent for the benefit of the purchasers and holders of the*
26 *outstanding money transmission obligations of the licensee.*

27 3. *The Commissioner may designate an agent to serve on behalf of the*
28 *Commissioner as beneficiary to a letter of credit so long as the agent and letter of*
29 *credit meet any requirements established by the Commissioner. The agent may*
30 *serve as agent for multiple licensing authorities for a single irrevocable letter of*
31 *credit if the proceeds of the drawable amount for the purposes of this section are*
32 *assigned to the Commissioner.*

33 4. *The Commissioner may participate in multistate processes designed to*
34 *facilitate the issuance and administration of letters of credit, including, without*
35 *limitation, services provided by the Registry and the State Regulatory Registry,*
36 *LLC.*

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

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

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

45 1. *One hundred thousand dollars; or*

46 2. *Three percent of total assets for the first \$100,000,000 in assets, 2 percent*
47 *of additional assets that exceed \$100,000,000 but do not exceed \$1 billion and 0.5*
48 *percent of additional assets that exceed \$1 billion.*

49 **Sec. 50.** *1. Except as otherwise provided in section 52 of this act, a person*
50 *or group of persons acting in concert seeking to acquire control of a licensee*
51 *shall obtain the approval of the Commissioner before acquiring control of the*
52 *licensee. A natural person is not deemed to acquire control of a licensee and is*

1 *not subject to the provisions of this section when the natural person becomes a*
2 *key individual in the ordinary course of business.*

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

6 ~~*(a) An application in a form prescribed by the Commissioner. 1 and*~~

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

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

12 4. *The application required by ~~paragraph (a) of~~ subsection ~~1~~ 2 must*
13 *include the information required by NRS 671.098 for any new key individual that*
14 *has not previously completed the requirements for a licensee.*

15 5. *When an applicant for acquisition of control of a licensee has submitted*
16 *the application required pursuant to subsection ~~1~~ 2 which appears to include all*
17 *the items and address all of the matters that are required by ~~that subsection and~~*
18 ~~*paid all applicable fees,*~~ *the application, the application shall be considered*
19 *complete. A determination by the Commissioner that an application is complete*
20 *and is accepted for processing means only that the application, on its face,*
21 *appears to include all of the items and address all of the matters that are required*
22 *and is not an assessment of the substance of the application or of the sufficiency*
23 *of the information provided.*

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

31 (a) *The requirements of subsections 2 and 4 have been met, as applicable;*
32 *and*

33 (b) *The financial condition and responsibility, financial and business*
34 *experience, competence, character and general fitness of the person or group of*
35 *persons acting in concert seeking to acquire control of a licensee and the*
36 *competence, experience, character and general fitness of the key individuals and*
37 *persons that would be in control of the licensee after the acquisition of control*
38 *indicate that it is in the interest of the public to permit the person or group of*
39 *persons acting in concert to control the licensee.*

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

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

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

50 8. *If the Commissioner denies an application for approval to acquire*
51 *control of a licensee submitted pursuant to subsection ~~1~~ 2, the Commissioner*
52 *shall issue to the applicant a formal written notice of the denial not more than 30*
53 *days after the date on which the Commissioner has made the decision to deny the*

1 *application. The notice must set forth the specific reasons for the denial of the*
2 *application. An applicant whose application for approval to acquire control of a*
3 *licensee is denied may, not more than 30 days after the date on which the notice*
4 *was issued, appeal the decision and request a hearing pursuant to NRS 233B.121*
5 *to 233B.150, inclusive.*

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 51. 1.** *Before filing an application for approval to acquire control of*
31 *a licensee pursuant to section 50 of this act, a person may request in writing a*
32 *determination from the Commissioner as to whether the person would be*
33 *considered a person in control of a licensee upon consummation of a proposed*
34 *transaction. If the Commissioner determines that the person would not be a*
35 *person in control of a licensee, the proposed person and transaction is not subject*
36 *to the requirements of section 50 of this act.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 4. *If a multistate licensing process includes a review and disapproval*
39 *process for key individuals pursuant to this section and the licensee requesting*
40 *such a determination avails himself, herself or itself or is otherwise subject to a*
41 *multistate licensing process:*

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

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

48 **Sec. 54.** *1. The Commissioner may participate in multistate supervisory*
49 *processes established between states and coordinated through the Conference of*
50 *State Bank Supervisors, the Money Transmitter Regulators Association and the*
51 *affiliates and successors thereof for all licensees that hold licenses in this State*
52 *and in other states. As a participant in such a process, the Commissioner may:*

1 (a) Cooperate, coordinate and share information with other state and federal
2 regulators in accordance with the provisions of this chapter;

3 (b) Enter into written cooperation, coordination or information-sharing
4 contracts or agreements with organizations whose membership consists of state
5 or federal governmental agencies; and

6 (c) Cooperate, coordinate and share information with organizations whose
7 membership is made up of state or federal governmental agencies if any such
8 organization agrees to maintain the confidentiality and security of the shared
9 information pursuant to section 37 of this act.

10 2. The Commissioner may not waive, and nothing in the provisions of this
11 section constitutes a waiver of, the authority of the Commissioner to conduct an
12 examination or investigation or otherwise take action authorized by the
13 provisions of this chapter or the regulations adopted pursuant thereto to enforce
14 compliance with applicable state or federal laws.

15 3. A joint examination or investigation or acceptance of an examination or
16 investigation report does not waive the fee set forth in NRS 671.120.

17 **Sec. 55.** 1. If state money transmission jurisdiction is conditioned on a
18 federal law, any inconsistencies between a provision of this chapter and the
19 federal law governing money transmission is governed by the applicable federal
20 law to the extent of the inconsistency.

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

24 (a) Identifies the inconsistency; and

25 (b) Identifies the appropriate means of compliance with federal law.

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

29 (a) An audited financial statement of the licensee for the fiscal year prepared
30 in accordance with generally accepted accounting principles in the United States;
31 and

32 (b) Any other information the Commissioner may reasonably require.

33 2. The audited financial statement filed pursuant to subsection 1 must:

34 (a) Be prepared by an independent certified public accountant or
35 independent public account who is satisfactory to the Commissioner.

36 (b) Include or be accompanied by a certificate of opinion of the independent
37 certified public accountant or independent public accountant, as applicable, that
38 is satisfactory in form and content to the Commissioner. If such a certificate or
39 opinion is qualified, the Commissioner may order the licensee to take any action
40 the Commissioner deems necessary to enable the independent certified public
41 accountant or independent public accountant to remove the qualification.

42 **Sec. 57.** A licensee and an authorized delegate shall file all reports required
43 by reporting requirements relating to federal currency reporting, recordkeeping
44 and suspicious activity reporting as set forth in the Bank Secrecy Act and other
45 federal and state laws pertaining to money laundering. A licensee and an
46 authorized delegate who timely files with the appropriate federal agency a report
47 required pursuant to this section that is complete and accurate shall be deemed to
48 comply with the requirements of this section.

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

51 (a) A record of each outstanding money transmission obligation sold;

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

1 (c) Bank statements and bank reconciliation records;
2 (d) A record of each outstanding money transmission obligation;
3 (e) A record of each outstanding money transmission obligation paid during
4 the 5-year period;
5 (f) A list of the last known name and address of each of the authorized
6 delegates of the licensee; and
7 (g) Any other records the Commissioner reasonably requires by regulation.
8 2. A licensee may maintain the records required to be maintained by
9 subsection 1:

10 (a) In any form; and

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

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

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

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

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

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

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

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

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

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

38 (a) Financial information concerning the licensee;

39 (b) Nationwide and state-specific money transmission transaction
40 information in every jurisdiction in the United States where the licensee is
41 licensed to engage in money transmission;

42 (c) A report concerning the permissible investments of the licensee;

43 (d) A report identifying each foreign country to which the licensee
44 transmitted money or credits and the amount of money or credits transmitted, if
45 applicable; and

46 (e) Any other information the Commissioner may reasonably require.

47 2. The Commissioner may use the Registry for the submission of the report
48 required by subsection 1. The Commissioner may, by regulation, waive, modify or
49 alter the requirements of subsection 1 to carry out the purposes of this chapter
50 and maintain consistency with reporting requirements of the Registry.

51 **Sec. 61.** 1. Each licensee shall submit to the Commissioner a report
52 concerning each authorized delegate of the licensee within 45 days after the end

1 of the calendar quarter. The report must include, without limitation, the
2 following information for each authorized delegate:

- 3 (a) The legal name of the company;
4 (b) Taxpayer employer identification number;
5 (c) Principal provider identifier;
6 (d) Physical address;
7 (e) Mailing address;
8 (f) Any business conducted in other states;
9 (g) Any fictitious or trade name;
10 (h) The name, phone number and electronic mail address for the contact
11 person of the authorized delegate;
12 (i) The date upon which the authorized delegate was designated as an
13 authorized delegate of the licensee;
14 (j) The date upon which the authorized delegate ceased being an authorized
15 delegate for the licensee, if applicable;
16 (k) Any court order concerning the licensee pursuant to section 40 of this
17 act; and
18 (l) Any other information the Commissioner may reasonably require with
19 respect to the authorized delegate.

20 2. The Commissioner may use the Registry for the submission of the report
21 required by this section provided that such functionality is consistent with the
22 requirements of this section.

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

- 25 (a) The authorized delegate committed a violation of any provision of this
26 chapter or any regulation adopted or order issued by the Commissioner pursuant
27 to this chapter;
28 (b) The authorized delegate did not cooperate with an examination or
29 investigation by the Commissioner;
30 (c) The authorized delegate has engaged in fraud, intentional
31 misrepresentation or gross negligence;
32 (d) The authorized delegate has been convicted of a violation of a state or
33 federal anti-money laundering statute;
34 (e) The competence, experience, character or general fitness of the
35 authorized delegate or a person in control of the authorized delegate indicates
36 that it is not in the public interest to permit the authorized delegate to provide
37 money transmission; or
38 (f) The authorized delegate has engaged in an unsafe or unsound practice.

39 2. In determining whether an authorized delegate has engaged in an unsafe
40 or unsound practice pursuant to paragraph (f) of subsection 1, the Commissioner
41 may consider the size and condition of the provision of money transmission by
42 the authorized delegate, the magnitude of the loss, the gravity of the violation of
43 any provision of this chapter or any regulation adopted or order issued by the
44 Commissioner pursuant to this chapter and the previous conduct of the licensee.

45 3. An authorized delegate may apply for relief from a suspension or
46 revocation of designation as an authorized delegate according to procedures
47 prescribed by the Commissioner.

48 **Sec. 63.** 1. The Commissioner may issue an order requiring a licensee or
49 authorized delegate to cease and desist from a violation of any provision of this
50 chapter or any regulations adopted pursuant thereto or order issued by the
51 Commissioner pursuant thereto if the Commissioner determines that the violation
52 is likely to cause:

1 (a) Immediate and irreparable harm to the licensee, the customers of the
 2 licensee or the public; or

3 (b) Insolvency or significant dissipation of the assets of the licensee.

4 2. If the Commissioner issues an order against an authorized delegate
 5 pursuant to subsection 1, the Commissioner may also issue a separate order
 6 against a licensee to cease and desist from providing money transmission through
 7 the authorized delegate.

8 3. Except as otherwise provided in this subsection, an order issued pursuant
 9 to this section becomes effective upon service of the order and remains effective
 10 until it is set aside, in whole or in part, by the Commissioner or a reviewing court.
 11 The licensee or authorized delegate against whom a cease and desist order is
 12 issued may request a hearing on the cease and desist order pursuant to NRS
 13 233B.121 to 233B.150, inclusive.

14 4. A licensee or authorized delegate against whom a cease and desist order
 15 is issued pursuant to this section may file with the Commissioner a petition
 16 requesting that the cease and desist order be set aside, limited or suspended
 17 pending the completion of the proceedings conducted pursuant to subsection ~~1~~

18 3.

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

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

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

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

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

34 671.020 ~~1. This~~ Except as otherwise provided in section 50 of this act,
 35 this chapter does not apply to any:

36 ~~(a) Bank, its parent or~~

37 1. Federally insured depository financial institution, privately insured
 38 depository financial institution, bank holding company or any subsidiary thereof,
 39 ~~trust company, savings bank, savings and loan association, credit union, industrial~~
 40 ~~bank or industrial loan and investment company, organized and regulated,~~ office
 41 of an international banking corporation, foreign bank that establishes a federal
 42 branch pursuant to 12 U.S.C. § 3102, as amended, corporation organization
 43 pursuant to the 12 U.S.C. §§ 1861 to 1867, inclusive, as amended, or corporation
 44 organized pursuant to 12 U.S.C. §§ 611 to 633, inclusive, as amended, under the
 45 laws of ~~this~~ a state or of the United States. ~~;~~

46 ~~(b) Foreign banking corporation licensed to do banking business in this state;~~
 47 ~~or~~

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

49 2. ~~[Subsection 1 does not reduce or alter any liability otherwise attaching to~~
 50 ~~the sale, issuance, receipt for transmission or transmission of checks or money in~~
 51 ~~any form.] Operator of a payment system to the extent that it provides processing,~~
 52 ~~clearing or settlement services between or among persons exempted pursuant to~~
 53 ~~this section or licensees in connection with wire transfers, credit card~~

1 *transactions, debit card transactions, stored value transactions, automated*
2 *clearinghouse transfers or similar transfers of money.*

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

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

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

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

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

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

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

21 (c) *Bears sole responsibility to satisfy the outstanding money transmission*
22 *obligation to the sender, including, without limitation, the obligation to make the*
23 *sender whole in connection with any failure to transmit the money to the*
24 *designated recipient of the sender.*

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

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

28 7. *Money transmission by the United States Postal Service or by an agent of*
29 *the United States Postal Service.*

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

32 9. *Electronic money transfer of governmental benefits for a federal, state,*
33 *county or governmental agency by a contractor on behalf of the United States or*
34 *a department, agency or instrumentality thereof or on behalf of a state or*
35 *governmental subdivision, agency or instrumentality thereof.*

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

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

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

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

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

51 (a) *The third-party service provider or agent is engaging in money*
52 *transmission on behalf of and pursuant to a written agreement with the exempt*

1 *entity that sets forth the specific functions that the third-party service provider or*
2 *agent is to perform; and*

3 *(b) The exempt entity assumes all risk of loss and legal responsibility for*
4 *satisfying the outstanding money transmission obligations owed to purchasers*
5 *and holders of the outstanding money transmission obligations upon receipt by*
6 *the third-party service provider of the money or monetary value of the purchaser*
7 *or holder.*

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

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

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

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

15 671.040 1. A person shall not engage in the business of ~~[selling or issuing~~
16 ~~checks or of receiving for] money~~ transmission or ~~[transmitting money or credits~~
17 ~~unless the person is licensed pursuant to this chapter.]~~ *advertise, solicit or hold*
18 *himself, herself or itself out as providing money transmission unless the person:*

19 *(a) Has been issued a license pursuant to this chapter; or*

20 *(b) Is an authorized delegate of a licensee that is acting within the scope of*
21 *authority conferred by a written contract with the licensee.*

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

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

30 671.050 1. Every application for a license required pursuant to this chapter
31 must be in writing, signed by the applicant, and in the form *and medium* prescribed
32 by the Commissioner.

33 2. The application must contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (k) *Such other pertinent information as the Commissioner or Registry*
43 *requires.*

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

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

47 (b) ~~*[A—certified]*~~ *An audited financial statement, satisfactory to the*
48 *Commissioner, showing that the applicant's tangible net worth ~~exceeds \$100,000,~~*
49 ~~*unless the applicant's surety bond or the securities deposited pursuant to NRS*~~
50 ~~*671.110 are in at least twice the minimum principal sum required by NRS 671.100.]*~~
51 *meets the requirements set forth in section 49 of this act.*

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

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

6 ~~4.1~~ 5. The Commissioner shall adopt regulations establishing ~~the~~ :

7 (a) *The form and medium of any additional content required to be included*
8 *in an application for a license. The regulations may require such an application*
9 *to be in such form and medium and contain such additional content that the*
10 *Commissioner determines to be necessary to carry out the purposes of this*
11 *chapter and maintain consistency with the licensing standards and practices of*
12 *the Registry.*

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

16 ~~5.1~~ 6. The Commissioner shall consider an application to be withdrawn if the
17 Commissioner has not received all information and fees required to complete the
18 application within 6 months after the date the application is first submitted to the
19 Commissioner or within such later period as the Commissioner determines in
20 accordance with any existing policies of joint regulatory partners. If an application
21 is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise
22 withdraws an application, the Commissioner may not issue a license to the
23 applicant unless the applicant submits a new application and pays any required fees.

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

25 671.060 1. ~~Upon the filing of~~ *When an applicant for a license has*
26 *submitted the application* ~~[- payment of the]~~ *required pursuant to NRS 671.050*
27 *which appears to include all the items and address all of the matters that are*
28 *required by that section, submitted the information required pursuant to NRS*
29 *671.098 and paid all applicable fees and* ~~approval of~~ *the Commissioner has*
30 *approved the surety bond or securities* ~~[-]~~ *of the applicant, the application shall be*
31 *considered complete.*

32 2. *A determination by the Commissioner that an application is complete*
33 *pursuant to subsection 1 and is accepted for processing means only that the*
34 *application, on its face, appears to include all of the items and address all of the*
35 *matters that are required and is not an assessment of the substance of the*
36 *application or the sufficiency of the information.*

37 3. *When an application is filed and considered complete pursuant to this*
38 *section,* the Commissioner shall investigate the financial condition and
39 responsibility, the financial and business experience, and the character and general
40 fitness of the applicant and may investigate any partners, directors, trustees , ~~for~~
41 principal officers , *proposed key individuals or persons in control* of the applicant.

42 ~~[-]~~ ~~[-]~~

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

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

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

52 (b) *The financial condition and responsibility, financial and business*
53 *experience, competence, character and general fitness of the applicant and the*

1 *competence, experience, character and general fitness of the key individuals and*
2 *persons in control of the applicant indicate that it is in the interest of the public to*
3 *permit the applicant to engage in money transmission.*

4 *6. If the Commissioner denies an application for a license, the*
5 *Commissioner shall issue to the applicant a formal written notice of the denial*
6 *setting forth the specific reasons for the denial. An applicant whose application*
7 *for a license is denied may appeal and request a hearing pursuant to NRS*
8 *233B.121 to 233B.150, inclusive.*

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

10 671.070 1. ~~[A]~~ *Except as otherwise provided in this subsection, a license*
11 *issued pursuant to this chapter expires on December 31 of each year, unless it is*
12 *earlier surrendered, suspended or revoked. A license which is initially issued on or*
13 *after November 1 and on or before December 31 of a year expires on December*
14 *31 of the year following the year in which the license was issued, unless it is*
15 *earlier surrendered, suspended or revoked.*

16 2. The license may be renewed from year to year upon the approval of the
17 Commissioner if the licensee, on or after November 1 and on or before December
18 31 of each year, files an application ~~[conforming]~~ *which:*

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

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

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

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

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

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

35 2. The license entitles the holder to engage in business only at the location or
36 locations specified in the application or at a location or locations operated by ~~[a~~
37 ~~duly appointed agent]~~ *an authorized 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 change affects the*
42 *qualification for the license,*

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

44 **Sec. 72.** NRS 671.092 is hereby amended to read as follows:

45 671.092 1. ~~[The]~~ *To establish consistent licensing between this State and*
46 *other states, the Commissioner may []:*

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

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

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

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

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

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

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

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

17 ~~(f)~~ (f) **Taking any action the Commissioner deems necessary to facilitate**
 18 **communication between this State and licensees or other persons subject to the**
 19 **provisions of this chapter;**

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

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

22 (2) Amend or surrender a license;

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

25 (4) Pay any applicable fees; and

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

27 ~~(h)~~ (h) **Requiring an applicant for the acquisition of control of a licensee to**
 28 **use the Registry to submit the application required by section 50 of this act; ~~and~~**
 29 **~~pay the fees set forth in that section;~~**

30 (i) Authorizing the Registry to, on behalf of the Commissioner, collect
 31 fingerprints in order to receive or conduct a background check on the criminal
 32 history of an applicant for a license or a licensee ~~;~~

33 ~~2;~~ **and**

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

36 **3. The Commissioner may use the forms, processes and functionalities of**
 37 **the Registry to implement the requirements of this chapter. If the Registry does**
 38 **not provide functionality, forms or processes necessary to implement a**
 39 **requirement set forth in this chapter, the Commissioner may strive to implement**
 40 **the requirement in a manner that facilitates uniformity with respect to licensing,**
 41 **supervision, reporting and regulation of licensees which are licensed in multiple**
 42 **jurisdictions.**

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

47 ~~3;~~ **5.** The Commissioner may adopt any regulations the Commissioner
 48 determines to be necessary or appropriate to carry out the provisions of this section.
 49 Such regulations may, without limitation, establish **any** additional procedures and
 50 requirements for participation in the Registry ~~;~~

51 ~~4;~~ **that the Commissioner determines are consistent with law, public interest**
 52 **and the purposes of this section.**

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

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

5 671.098 1. In addition to any other requirements set forth in this chapter,
6 each *natural person who is an applicant* for the issuance of a license pursuant to
7 ~~[this chapter and]~~ *NRS 671.050, each natural person in control of such an*
8 *applicant*, each owner, officer, director and ~~[responsible person]~~ *proposed key*
9 *individual* of the applicant, each *natural person [in] who seeks to acquire* control
10 of ~~[the applicant]~~ *a licensee pursuant to section 50 of this act, each person who*
11 *becomes a key individual of a licensee* and any other person the Commissioner
12 may require in accordance with guidelines of the Registry or other multistate
13 agreements shall submit to *the Commissioner through* the Registry:

14 (a) ~~[A]~~ *Except as otherwise provided in subsection 5, a* complete set of
15 fingerprints for submission to the Federal Bureau of Investigation and any other
16 governmental agency or entity authorized to receive such information for a state,
17 national and international background check on the criminal history of the person;

18 (b) ~~[Information]~~ *Except as otherwise provided in subsection 6, information*
19 concerning the personal history, financial history and experience of the person in a
20 form prescribed by the Registry, including, without limitation, an authorization of
21 the person for the Registry and the Commissioner to obtain:

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

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

29 (c) Information related to any *regulatory or* administrative ~~[, civil or criminal~~
30 ~~findings made by any governmental jurisdiction concerning the person;]~~ *action* and
31 *any civil litigation involving claims of fraud, misrepresentation, conversion,*
32 *mismanagement of funds, breach of fiduciary duty or breach of contract;*

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

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

37 2. ~~[As used in this section:~~

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

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

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

49 (a) *Demonstrate to the satisfaction of the Commissioner that it has sufficient*
50 *knowledge and resources and employs accepted and reasonable methodologies to*
51 *conduct the research of the investigative background report; and*

52 (b) *Not be affiliated with or have an interest with the natural person it is*
53 *researching.*

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

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

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

13 (c) *Employment history;*

14 (d) *Media history, including, without limitation, an electronic search of*
 15 *national and local publications, wire services and business applications; and*

16 (e) *Regulatory history relating to financial services, including, without*
 17 *limitation, money transmission, securities, banking, insurance and mortgage*
 18 *related industries.*

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

24 6. *A natural person who does not have a social security number is not*
 25 *required to provide to the Commissioner information to obtain an independent*
 26 *credit report from a consumer reporting agency.*

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

28 671.100 1. Except as provided in NRS 671.110, each licensee shall have in
 29 force a surety bond payable to the State of Nevada for the use and benefit of any
 30 *purchaser or* holder of any outstanding ~~check sold or issued by a licensee in the~~
 31 ~~normal course of business~~ *money transmission obligation* and for value in the
 32 ~~following minimum~~ principal ~~sums:~~

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

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

36 — ~~The~~ *sum of the greater of:*

37 (a) *One hundred thousand dollars; or*

38 (b) *An amount equal to 100 percent of the average daily money transmission*
 39 *liability in this State calculated for the most recently completed quarter, to a*
 40 *maximum [amount] of [any surety bond required under this subsection is*
 41 *\$250,000.] \$500,000.*

42 2. *A licensee may maintain a bond in a principal sum that exceeds*
 43 *\$500,000. A licensee that maintains a bond in a principal sum of [more than]*
 44 *\$500,000 or more is not required to calculate the average daily money*
 45 *transmission liability in this State for the purposes of subsection 1.*

46 3. The bond must be in a form satisfactory to the Commissioner, issued by a
 47 bonding company authorized to do business in this State, and must secure the
 48 faithful performance of the obligations of the licensee respecting the ~~sale or~~
 49 ~~issuance of checks and receipt for~~ *provision of money transmission* . ~~for~~
 50 ~~transmission of money or credits.~~

51 — ~~3.]~~ 4. A licensee shall, within 10 days after the commencement of any action
 52 or notice of entry of any judgment against the licensee by any creditor or claimant
 53 arising out of business regulated by this chapter, give notice thereof to the

1 Commissioner by registered or certified mail with details sufficient to identify the
2 action or judgment. The surety shall, within 10 days after it pays any claim or
3 judgment to a creditor or claimant, give notice thereof to the Commissioner by
4 registered or certified mail with details sufficient to identify the creditor or claimant
5 and the claim or judgment so paid.

6 ~~[4.]~~ 5. Whenever the principal sum of the bond is reduced by recoveries or
7 payments thereon, the licensee shall furnish:

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

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

12 ~~[5.]~~ 6. The liability of the surety on the bond to a creditor or claimant is not
13 affected by any misrepresentation, breach of warranty, failure to pay a premium or
14 other act or omission of the licensee, or by any insolvency or bankruptcy of the
15 licensee.

16 ~~[6.]~~ 7. The liability of the surety continues as to all transactions entered into
17 in good faith by the creditors and claimants with the licensee's ~~[agents]~~ *authorized*
18 *delegates* within 30 days after:

19 (a) The licensee's death or the dissolution or liquidation of the licensee's
20 business; or

21 (b) The termination of the bond,

22 *↪* whichever event occurs first.

23 ~~[7.]~~ 8. Whenever the Commissioner determines that the protection of the
24 public so requires, the Commissioner may order that an increase be made in the
25 principal sum of the bond of any licensee, except that the Commissioner may not
26 order an increase of more than \$10,000 if the licensee has submitted a current
27 financial statement, or more than \$15,000 otherwise.

28 ~~[8.]~~ 9. Neither a licensee nor the licensee's surety may cancel or alter a bond
29 except after notice to the Commissioner by registered or certified mail. The
30 cancellation or alteration is not effective until 10 days after receipt of the notice by
31 the Commissioner. A cancellation or alteration does not affect any liability incurred
32 or accrued on the bond before the expiration of the 30-day period designated in
33 subsection ~~[6.]~~ 7.

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

35 671.120 1. ~~[Except as otherwise provided in subsection 4, once each year~~
36 ~~the]~~ *The* Commissioner shall, *as often as the Commissioner determines to be*
37 *necessary*, examine the financial accounts of each licensee and any other
38 documents relevant to the conduct of the licensee's business ~~[]~~ and ~~[the~~
39 ~~Commissioner]~~ may conduct *other* examinations ~~[at additional times.]~~ *of a licensee*
40 *or authorized delegate that the Commissioner determines to be necessary. The*
41 *Commissioner may take any action authorized by the provisions of this chapter or*
42 *the regulations adopted pursuant thereto as reasonably necessary or appropriate*
43 *to administer and enforce the provisions of this chapter, the regulations adopted*
44 *pursuant thereto and other applicable law, including, without limitation, the*
45 *Bank Secrecy Act and the USA Patriot Act.*

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

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

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

1 (c) Conduct such an examination in conjunction with an examination
2 conducted by a representative of another agency of this State, an agency of
3 another state or an agency of the federal government.

4 (d) Accept the examination report of another agency of this State, an agency
5 of another state or an agency of the federal government. Upon acceptance by the
6 Commissioner, such an examination report shall be considered an official report
7 of the Commissioner.

8 (e) Summon and examine under oath a key individual or employee of a
9 licensee or authorized delegate and require the key individual or employee to
10 produce records regarding any matter related to the condition and business of the
11 licensee or authorized delegate.

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

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

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

26 ~~4. The Commissioner may accept a report of an audit of the licensee which
27 covers the most recent fiscal year in lieu of 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 license under this
30 chapter, and on the Internet website of each licensee and authorized delegate,
31 there [shall] must be conspicuously posted at all times a schedule of the rates
32 charged for [the sale or issuance of checks and the receipt for] money transmission,
33 [or transmission of money or credits.] No fees may be charged or collected in
34 excess of the posted rates.] (Deleted by amendment.)~~

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

36 ~~671.150 1. All money, [or] credits or monetary value received by an
37 [agent] authorized delegate of a licensee from [the sale and issuance of checks or
38 for the purpose of] money transmission must be remitted to the licensee, [or
39 deposited with a bank or credit union authorized to do business in this state for
40 credit to an account of the licensee not later than the third business day following
41 its receipt.]~~

42 ~~2. [Money received from the sale or issuance of checks or for the purpose of
43 transmission must not be commingled with the other assets of the licensee or his or
44 her agents.]~~

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

50 ~~4. Each licensee shall at all times maintain liquid assets, government or
51 municipal securities or other marketable securities having a value, computed in
52 accordance with generally accepted accounting principles, equal to or more than the
53 aggregate liability of the licensee with respect to checks sold and issued and money~~

1 ~~or credits received for] money transmission [.] obligations of the licensee in this~~
2 ~~State.~~

3 ~~3. As used in this section, "remit" has the meaning ascribed to it in section~~
4 ~~38 of this act.] (Deleted by amendment.)~~

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

6 671.170 1. The Commissioner may conduct any necessary investigations
7 and hearings to determine whether any licensee, *authorized delegate* or other
8 person has violated any of the provisions of this chapter or whether any licensee has
9 conducted himself or herself in a manner which requires the suspension, revocation
10 or denial of renewal of his or her license.

11 2. In conducting any investigation or hearing pursuant to this chapter, the
12 Commissioner, or any person designated by the Commissioner, may require the
13 attendance and testimony of any person and compel the production of all relevant
14 books, records, accounts and other documents. The Commissioner shall charge and
15 collect from each licensee or other person a fee at the rate established and, if
16 applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit,
17 examination, investigation or hearing conducted pursuant to this chapter or any
18 regulations adopted pursuant thereto.

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

24 4. Except as otherwise provided in NRS 239.0115, *and section 37 of this act*,
25 all reports of investigations and examinations and other reports rendered pursuant
26 to this section, ~~[and]~~ all correspondence and memoranda relating to or arising
27 therefrom, including any authenticated copies thereof in the possession of any
28 licensee or the Commissioner, *and all other information related to an examination*
29 *or investigation* are confidential communications, are not subject to any subpoena,
30 and must not be made public unless the Commissioner determines that justice and
31 the public advantage will be served by their publication. This subsection does not
32 preclude any party to an administrative or judicial proceeding from introducing into
33 evidence any information or document otherwise available or admissible.

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

35 671.180 1. If the Commissioner has reason to believe that grounds exist for
36 the suspension, revocation or denial of renewal of a license, the Commissioner shall
37 give 10 days' written notice to the licensee, stating the grounds therefor, and shall
38 set a date for a hearing, if a hearing is requested by the licensee. If the protection of
39 the public so requires, the Commissioner may suspend the license at any time
40 before the hearing.

41 2. At the conclusion of the hearing, the Commissioner shall enter a written
42 order either dismissing the charges or suspending, revoking or denying the renewal
43 of the license. The order must include a statement of the grounds for the action
44 taken by the Commissioner and becomes effective 10 days after receipt of a copy of
45 the order by the licensee at the licensee's principal place of business. The
46 Commissioner may immediately suspend, revoke or deny the renewal of the license
47 in a case where the licensee has failed to maintain in effect the required surety bond
48 or insurance policy.

49 3. The grounds for suspension, revocation or denial of renewal of a license
50 are ~~[.]~~ *that:*

51 (a) ~~[Failure]~~ *The licensee has failed* to pay the annual fee for renewal or the
52 fee for late renewal;

1 (b) ~~[Failure]~~ *The licensee has failed* to maintain in effect the required bond or
 2 securities;

3 (c) ~~[Fraud]~~ *The licensee has committed an act of fraud*, misrepresentation or
 4 ~~[omission of]~~ *gross negligence or has omitted* any material fact in any application,
 5 statement or report;

6 (d) ~~[Failure]~~ *The licensee has failed* to pay any judgment arising from the
 7 licensee's business within 30 days after the judgment becomes final or within 30
 8 days after the expiration of a stay of execution on the judgment; ~~[or]~~

9 (e) ~~[Violation]~~ *The licensee has failed to cooperate with an examination or*
 10 *investigation by the Commissioner;*

11 (f) *The competence, experience, character or general fitness of the licensee,*
 12 *an authorized delegate of the licensee, a responsible person of such an authorized*
 13 *delegate, a person in control of the licensee or a key individual of the licensee*
 14 *indicates that it is not in the public interest to allow the licensee to provide money*
 15 *transmission;*

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

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

19 (i) *The licensee has not removed an authorized delegate of the licensee after*
 20 *the Commissioner issued and served on the licensee a final order that includes a*
 21 *finding that the authorized delegate has committed a violation* of any provision of
 22 this chapter or any regulation adopted or order issued by the Commissioner
 23 pursuant to this chapter ~~[+]~~;

24 (j) *An authorized delegate of the licensee, as a result of the willful*
 25 *misconduct or willful blindness of the licensee, has been convicted of a violation*
 26 *of a state or federal anti-money laundering statute or has committed a violation*
 27 *of any provision of this chapter or any regulation adopted or order issued by the*
 28 *Commissioner pursuant to this chapter; or*

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

32 4. *In determining whether a licensee has engaged in an unsafe or unsound*
 33 *practice pursuant to paragraph (g) of subsection 3, the Commissioner may*
 34 *consider the size and condition of the money transmission of the licensee, the*
 35 *magnitude of the loss, the gravity of the violation of the provisions of this chapter*
 36 *or the regulations adopted or order issued by the Commissioner pursuant thereto*
 37 *and the previous conduct of the licensee.*

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

40 **Sec. 80.** ~~[NRS 671.185 is hereby amended to read as follows:~~

41 ~~— 671.185 — 1. In addition to any other remedy or penalty, the Commissioner~~
 42 ~~may impose an administrative fine of not more than \$10,000 upon a person who:~~

43 ~~— [1.] (a) Without a license, conducts any business or activity for which a~~
 44 ~~license is required pursuant to the provisions of this chapter; or~~

45 ~~— [2.] (b) Violates any provision of this chapter or any regulation adopted~~
 46 ~~pursuant thereto.~~

47 ~~— 2. In addition to the administrative fine prescribed in subsection 1, the~~
 48 ~~Commissioner may impose on a person who violates any provision of this chapter~~
 49 ~~or any regulation adopted or order issued by the Commissioner pursuant thereto~~
 50 ~~a civil penalty of not more than \$1,000 per day of the violation, and each day's~~
 51 ~~continuance of the violation constitutes a separate and distinct violation. The~~
 52 ~~Commissioner may recover the reasonable costs of enforcing this subsection,~~

~~including, without limitation, the costs of investigating and prosecuting the violations and reasonable attorney's fees and costs.~~ (Deleted by amendment.)

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

671.190 1. Any person who:

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

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

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

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

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

is guilty of a misdemeanor.

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

3. The imposition of any fine or term of imprisonment pursuant to subsection

1:

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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,

1 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
2 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
3 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
4 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
5 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
6 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
7 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
8 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
9 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
10 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
11 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
12 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
13 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
14 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
15 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
16 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
17 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
18 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
19 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
20 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
21 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
22 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
23 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
24 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
25 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
26 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
27 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
28 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
29 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
30 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
31 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
32 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
33 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
34 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
35 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
36 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
37 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
38 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
39 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
40 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
41 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
42 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 37 of this act,**
43 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
44 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
45 confidential, all public books and public records of a governmental entity must be
46 open at all times during office hours to inspection by any person, and may be fully
47 copied or an abstract or memorandum may be prepared from those public books
48 and public records. Any such copies, abstracts or memoranda may be used to
49 supply the general public with copies, abstracts or memoranda of the records or
50 may be used in any other way to the advantage of the governmental entity or of the
51 general public. This section does not supersede or in any manner affect the federal
52 laws governing copyrights or enlarge, diminish or affect in any other manner the

1 rights of a person in any written book or record which is copyrighted pursuant to
2 federal law.

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

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

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

16 (a) The public record:

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

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

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

21 (1) Give access to proprietary software; or

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

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

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

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

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

40 **Sec. 84.** NRS 671.010, 671.055, ~~671.090~~, 671.140 and 671.150 are
41 hereby repealed.

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

~~TEXT~~ LEADLINES 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.~~

~~2. "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.]~~

671.140 Schedule of rates: Posting; excess fees prohibited.

671.150 Deposit of receipts; commingling prohibited; deposit if license suspended or terminated; assets must cover liabilities.