

STATE OF NEVADA



STEVE SISOLAK  
*Governor*

DEPARTMENT OF BUSINESS AND INDUSTRY

TERRY REYNOLDS  
*Director*

**FINANCIAL INSTITUTIONS DIVISION**

SANDY O'LAUGHLIN  
*Commissioner*

**DATE:** August 31, 2020

**TO:** Whom It May Concern

**FROM:** Mary Young  
Deputy Commissioner

**SUBJECT:** Notice of Second Workshop to Solicit Comments on Proposed Regulations Pertaining to Senate Bill 201 (S.B. 201)- Revises Provision Governing Loans- NRS 604A Database

The regulation included in this memorandum is being proposed for permanent adoption. In order to review the changes to the proposed regulation made since the first workshop held on July 8, 2020, and solicit comments from interested persons on those changes, a second workshop will be held via Webex conference from 10:00 a.m. – Noon on September 16, 2020.

\*\*Governor Steve Sisolak signed an emergency directive related to how public bodies in the state of Nevada must operate public meetings to ensure the safety of all Nevadans during the COVID-19 crisis.

The directive suspends the requirement that there must be a physical location designated for meetings of a public body where members of the public are permitted to attend and participate in-person. Any public body that holds a meeting pursuant to this Executive Order must find an alternative way for the public to participate without having to be physically present.

In addition, the directive states that if a public body holds a meeting by teleconference or videoconference, there must be a way for members of the public to provide public comment. \*\*

Enclosures:

Notice of Workshop and Workshop Agenda  
Revised Proposed Regulations  
Enrolled Version S.B.201  
Governor's Sixth Directive

NOTICE OF SECOND WORKSHOP  
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS PERTAINING TO  
SENATE BILL 201 (S.B.201)  
REGULATIONS OF PROVISIONS GOVERNING LOANS- NRS 604A DATABASE  
AND WORKSHOP AGENDA

The State of Nevada, Financial Institutions Division (“Division”), 3300 W. Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, (702) 486-4120 is proposing the adoption of regulations to Chapter 604A of the Nevada Administrative Code (“NAC”). The proposed regulations are required as a result of the passage of Senate Bill 201 (S.B.201) during the 80<sup>th</sup> Session of the Nevada Legislature adjourned sine die on June 3, 2019. This workshop will be conducted subject to the Open Meeting Law (NRS 241.020) and the purpose is to solicit comments from interested persons on the proposed regulations to be held through videoconference and teleconference:

Date: Wednesday, September 16, 2020

Time: 10:00 a.m. – Noon

When it’s time, join the Webex meeting by clicking on “Join meeting” link below:

[Join meeting](#)

Meeting number (access code): 146 529 7492

Meeting password: SB201WS2

Or join by phone: 1-844-621-3956 United States Toll Free

Additional options to join:

**Join from a video system or application**

Dial [1465297492@businessnv2.webex.com](tel:1465297492@businessnv2.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

**Join using Microsoft Lync or Microsoft Skype for Business**

Dial [1465297492.businessnv2@lync.webex.com](tel:1465297492.businessnv2@lync.webex.com)

Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Commissioner. Items may also be combined for consideration or pulled or removed from the agenda at any time. Persons who are subject to the provisions of the new law regarding the NRS 604A database should attend. At the discretion of the Commissioner, public comment may be limited to three minutes per person. Members of the public are encouraged to submit written comments for the record. The Commissioner may only take action on those items denoted as potential action items.

Members of the public are encouraged submit written comments for the record. Written comment can be submit to the Division by email: [fidmaster@fid.state.nv.us](mailto:fidmaster@fid.state.nv.us) or by mail: 3300 W. Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.

A copy of all materials relating to the proposal may be obtained by visiting the Division's website at: <http://fid.nv.gov> or by contacting the Division, 3300 W. Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, (702) 486-4120. Members of the public who would like additional information about a proposed regulation may contact Mary Young, Deputy Commissioner, at (702) 486-4120, or via e-mail to [fidmaster@fid.state.nv.us](mailto:fidmaster@fid.state.nv.us)

WORKSHOP AGENDA:

1. Open Workshop.
2. Public comment.
3. Presentation of revised portions of the proposed regulation (for possible action).
4. Public comment.
5. Close Workshop.

PROPOSED REGULATIONS:

See attached

This Notice has been e-mailed to all persons on the Division's mailing list for notice of proposed rulemaking, posted on the Division's web site at <http://www.fid.nv.gov>, and posted at the following public locations for inspection by members of the public:

Nevada Financial Institutions Division  
3300 W. Sahara Avenue, Suite 250  
Las Vegas, Nevada 89102

Nevada State Business Center  
3300 W. Sahara Avenue  
Las Vegas, Nevada 89102

Nevada Financial Institutions Division  
1755 East Plumb Lane, Suite 243  
Reno, Nevada 89502

Attn: Public Posting  
Nevada Dept. of Business & Industry  
1830 College Parkway, Suite 100  
Carson City, Nevada 89706

Attn: Public Posting  
Legislative Building  
401 South Carson Street  
Carson City, Nevada 89701

Attn: Public Posting  
Grant Sawyer Building  
555 E. Washington Avenue  
Las Vegas, Nevada 89101

Attn: Public Posting  
Blasdel Building  
209 East Musser Street  
Carson City, Nevada 89701

Attn: Public Posting  
Nevada DETR  
2800 E. St. Louis Avenue  
Las Vegas, Nevada 89104

Attn: Public Posting  
Capital Building, Main Floor  
101 North Carson Street  
Carson City, Nevada 89701

Attn: Public Posting  
Churchill County Library  
553 S. Maine Street  
Fallon, Nevada 89406

Attn: Public Posting  
Nevada State Library & Archives  
100 North Stewart Street  
Carson City, Nevada 89701

Attn: Public Posting  
Douglas County Public Library  
1625 Library Lane  
P.O. BOX 337  
Minden, Nevada 89423

Attn: Public Posting  
Churchill County Library  
553 S. Maine Street  
Fallon, Nevada 89406

Attn: Public Posting  
Tonopah Public Library  
167 S. Central Street  
P.O. Box 449  
Tonopah, Nevada 89049

Attn: Public Posting  
Las Vegas – Clark County Library  
7060 W. Windmill Lane  
Las Vegas, Nevada 89113

Attn: Public Posting  
Pershing County Library  
1125 Central Avenue  
P.O. Box 781  
Lovelock, Nevada 89419

Attn: Public Posting  
Elko County Library  
720 Court Street  
Elko, Nevada 89801

Attn: Public Posting  
Storey County Clerk  
26 S. B Street, Drawer D  
Virginia City, Nevada 89440

Attn: Public Posting  
Goldfield Public Library  
Corner of Crook Ave. & Fourth St  
P.O. Box 430  
Goldfield, Nevada 89013

Attn: Public Posting  
Downtown Reno Library/Washoe County  
301 S. Center Street  
P.O. Box 2151  
Reno, Nevada 89501

Attn: Public Posting  
Eureka Branch Library  
80 S. Monroe Street  
P.O. Box 293  
Eureka, Nevada 89316

Attn: Public Posting  
White Pine County Library  
950 Campton St.  
Ely, Nevada 89301

Attn: Public Posting  
Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445

Attn: Public Posting  
Lander County  
625 South Broad Street  
P.O. Box 141  
Battle Mountain, Nevada 89820

Attn: Public Posting  
Lincoln County Library  
63 Main Street  
P.O. Box 330  
Pioche, Nevada 89043

Attn: Public Posting  
Carson City Library  
900 N. Roop Street  
Carson City, Nevada 89701

Attn: Public Posting  
Lyon County Library  
20 Nevin Way  
Yerington, Nevada 89447

Attn: Public Posting  
Mineral County Public Library  
110 1<sup>st</sup> Street  
Hawthorne, Nevada 89415

Attn: Public Posting  
Pershing County Library  
1125 Central Avenue  
P.O. BOX 781  
Lovelock, Nevada 89419

Nevada Public Notice website  
[notice.nv.gov](http://notice.nv.gov)

Nevada Legislature website  
[www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/)

**PROPOSED REGULATION OF THE  
COMMISSIONER OF THE FINANCIAL INSTITUTIONS DIVISION (“Division”)**

The following document is the proposed regulations with revisions made after considering both written and verbal comments from the first workshop held on July 8, 2020.

The Division considered all comments and removed language and/or requirements that were confusing or would cause unnecessary efforts on the part of the NRS 604A licensee, if it did not impact the consumer protection responsibility of the Division or the intent of Senate Bill 201. The revisions and/or omissions are in the following proposed regulations.

**REVISED DRAFT PROPOSED REGULATION OF  
THE COMMISSIONER OF THE FINANCIAL INSTITUTIONS DIVISION**

**LCB File No. R037-20**

(Revises Provision Governing Loans- NRS 604A Database)

**Purpose:** To adopt regulations under the Nevada Administrative Code, as provided by Senate Bill No. 201 (2019), requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans, title loans and high-interest loans made to customers in this State; and providing other matters properly relating thereto.

**Authority:** Senate Bill No. 201, Chapter 177, Statutes of Nevada 2019, sections 2 through 31. As enrolled, S.B. 201 specifically amends NRS Chapter 604A, Deferred Deposit Loans, High-Interest Loans, Title Loans and Check-Cashing Services.

**Explanation:** All comments received from the small business impact notice and from the industry were considered but not all could be addressed.

Matters in (1) *blue bold italics* is language in the original proposed regulation; (2) green bold underlining is language proposed to be added in this amendment and *green bold italics* was proposed in the prior amendments; (3) ~~red strikethrough~~ is deleted language in the original proposed regulation in prior amendments; and (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment.

Revisions made after July 8, 2020 workshop. green bold underlining is language proposed to be added in this amendment. ~~purple double strikethrough~~ is language proposed to be deleted in this amendment.

**Section 1.** Chapter 604A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to ~~29~~ 26, inclusive, of this regulation.

**Sec. 2.** *Unless the context otherwise requires, the words and terms used in this chapter have the meanings ascribed to them in sections 2 through 4 of Senate Bill No. 201 and sections 3 through ~~10~~ 9 of this chapter.*

~~Sec. 3. "Full amount of loan" is defined as any principal, interest or finance charge, fees and charges that the customer must repay subject to all statutory requirements and legal contractual stipulations.~~

~~Sec. 4.~~ **Sec. 3.** *"Due date" is defined as the date, based upon the payment schedule, subject to all statutory requirements ~~and legal contractual stipulations~~, that the customer is scheduled to make a payment, either to pay the full amount of the loan (principal, finance charge and fees) and extinguish the debt, or if applicable, makes an installment payment.*

~~Sec. 5.~~ **Sec. 4.** *"Immediately" means the action must occur within one business day.*

~~Sec. 6.~~ ~~Sec. 5.~~ *"Net disposable income" is defined as the verifiable gross income minus (i) any and all deductions from income; and (ii) all verifiable and/or stated expense obligations including, but not limited to, rent or mortgage payments, utilities, groceries, transportation, fuel, and any other debt payments obligations.*

~~Sec. 7.~~ ~~Sec. 6.~~ **Sec. 5.** *"Extent Available" is defined as if a document exists, it is presumed to be readily available or easily obtainable in a reasonable amount of time from a customer prior to making the loan.*

~~Sec. 8.~~ ~~Sec. 7.~~ **Sec. 6.** *"Archive" means to copy data to a long-term storage mechanism apart from the database.*

~~Sec. 9.~~ ~~Sec. 8.~~ **Sec. 7.** *"Delete" means to erase data by overwriting the data.*

~~Sec. 10.~~ ~~Sec. 9.~~ **Sec. 8.** *"Identifying customer information" means the name of the customer, his or her social security number or alien registration ~~number~~ ~~or naturalization or certificate~~*

~~of citizenship number, driver license number, or other state or federal-issued identification number; address and any account numbers or information specific to a check or draft drawn by a customer on a bank, savings bank, savings and loan association, or credit union, and any other nonpublic personal information of a customer entered into the database. or that comes into the possession of the database provider through customer or licensee inquiry or report.~~

~~Sec. 10.~~ *Sec.9. "Closed Loan" indicates a final status of a loan that is no longer active. When a loan is closed it may include, but is not limited to, a paid-in-full loan agreement, a repossessed vehicle, or charged-off loan.*

~~Sec. 11.~~ *Sec.10. The service provider shall charge and collect a fee from a licensee for each loan the licensee enters and approves in the database. The fee is based upon a competitive procurement process but shall not exceed \$3.00 per approved loan. A licensee shall not collect from a customer an amount in excess of the actual cost charged to the licensee by the service provider. A licensee shall not collect any fee, charge or cost from a customer if a loan is not approved. The service provider shall not collect any fee, charge or cost from a licensee if a loan is not approved. The charge only occurs at origination and cannot be charged to extend, rollover, renew, refinance or consolidate or any action that would extend the due date or any of the like. The service provider fee must be itemized on the loan agreement, regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.*

~~Sec. 12.~~ *Sec.11. The service provider shall do all the following:*

- (a) Retain data in the database only as required to ensure licensee compliance with this chapter and chapter 604A of NRS;*



- (b) Archive data in the database concerning a customer transaction within two years after a customer transaction is closed unless notified by the Commissioner that such data is needed for a pending investigation or enforcement action; ~~and~~*
- ~~(c) Delete any identifying customer data from the database when data is archived; and~~*
- (c) Delete data and any identifying customer data concerning a customer transaction from the database 3 years after the customer transaction is closed unless notified by the Commissioner that such data is needed for a pending investigation or enforcement action; and*
- (d) Immediately notify the Office of the Commissioner if the database is unavailable for any reason.*

**~~Sec. 13.~~ *Sec. 12.* 1. Access to the database is limited to:**

- (a) Licensee staff members that underwrite and process the loans;*
- (b) Licensee staff members that collect and post payments made on the loans;*
- (c) Licensee senior staff members;*
- (d) Office of the Commissioner staff members; and*
- (e) Service provider staff members.*

*Each user will be required to:*

- (a) Create a password that meets the service provider's password criteria; and*
- (b) Safeguard the password by not sharing the password with any person or writing the password down.*

*2. A customer has the right to request a copy of their loan history, file, record, or any documentation relating to their loan or the repayment of a loan, from a licensee, without a charge, fee or cost.*

**~~Sec. 15.~~ *Sec. 13.*** *A licensee shall retain all data and documentation collected and reviewed for any loan, loan transaction, or any query made in the database for at least 3 years.*

*Documentation includes, but is not limited to, all copies of the documents considered in determining the ability to repay, customer's income, customer's identity and credit history, including the method used by a licensee to calculate a customer's net disposable income. In addition to the above mentioned, for title loans, the third-party vendor documentation showing the fair market value of the vehicle securing the title loan and a copy of the vehicle title.*

~~Sec. 16.~~ *Sec. 14. A licensee shall not delete any consumer customer information entered into the database. If a loan or loan transaction is void or rescinded, a licensee must notate on the loan file and in the database that the loan or loan transaction is void and the reason the loan or loan transaction is void but shall not delete the loan or the loan transaction from the database. The service provider fee cannot be charged pursuant to this chapter and chapter 604A of the NRS for a voided or rescinded loan.*

~~Sec. 17. If a licensee verifies a customer's income by an electronic bank statement, or any other permitted electronic document, a licensee must retain the evidence as a digital or paper copy. The information provided to a licensee must be safeguarded in accordance with Gramm Leach Bliley Act and Chapter 603A of the NRS.~~

~~Sec. 22.~~ *Sec. 15. The information contained in the database is confidential and exempt from the Nevada Public Records Law.*

~~Sec. 20.~~ *Sec. 16. The database provider shall maintain the database, take all actions it deems necessary to protect the confidentiality and security of the information contained in the database, and be responsible for the confidentiality and security of such information. The Office of the Commissioner shall have access to and utilize the database as an enforcement tool to ensure licensees' compliance with the provisions of this chapter and chapter 604A of NRS.*

~~Sec. 19.~~ Sec. 17. During any period that the database is unavailable due to technical issues on the service provider side, a licensee may rely on a customer's written representation and assess the customer's ability to repay by obtaining the documentation required by this chapter to verify that making the loan applied for is permissible under the provisions of this chapter. A customer's written representation includes, without limitation, a customer does not have any outstanding loans at the time the loan was made. If a customer does have an outstanding deferred deposit and/or high-interest loan, the customer affirms that an additional deferred deposit or high-interest loan they are about to enter into would not cause the customer to exceed 25% of the expected monthly gross income and they have the ability to repay the loan. If a customer has an outstanding title loan, the customer affirms that they have the ability to repay the outstanding loan and the additional title loan that they are about to enter into, and that the title is not perfected with another lender or licensee. ~~A licensee must immediately notify the Office of the Commissioner when the database is unavailable.~~ If a licensee makes a loan to a customer during a time the database is unavailable, whether scheduled or for technical issues, a licensee must:

- (a) Enter the loan into the database within 24 hours of the system being operational;
- (b) Notate on the loan file that such loan was originated during a period the database was unavailable; and
- (c) Retain all record of the loan transaction as required for any loan made by a licensee pursuant to this chapter and chapter 604A of NRS.

~~Sec. 18.~~ ~~Sec. 17.~~ ~~Sec. 21.~~ Sec. 18 Before making a deferred deposit loan, title loan or high-interest loan, a licensee shall query the database. The query shall be retained by the service provider ~~and shall retain evidence of the query~~ for the Office of the Commissioner's review. The database shall allow a licensee to make a deferred deposit loan, title loan or high-interest loan only if making the loan is permissible under the provisions of this chapter and chapter

604A of NRS. At a minimum, the query should include the below to verify the identity of a customer; ~~and verify eligibility of the loan;~~

- (a) The customer's full name: first and last name, and middle initial;
- ~~(a) The customer's residential address;~~
- ~~(b) The customer's telephone number;~~
- ~~(c) (b) The customer's social security number or alien registration number or naturalization certificate or certificate of citizenship number;~~
- ~~(d) (c) The customer's valid government-issued photo ID number;~~
- (d) The customer's date of birth, mm/dd/yyyy;
- ~~(e) The customer's gross income; and~~
- ~~(f) The customer's total obligations; and~~
- ~~(g) Net disposable income of the customer.~~

~~Sec. 18.~~ ~~Sec. 18.~~ Sec. 19 The database will provide the licensee information ~~on:~~ prescribed in NRS 604A, section 303, subsection 1(a)-(d), which a licensee must consider I in determining a customer's ability to repay a loan under chapter 604A of NRS and in conjunction with all other available information, if these factors will make a customer ineligible for a loan and only approve the loan if permissible under the provisions of this chapter and chapter 604A of NRS.

- ~~(a) Whether a customer has a deferred deposit loan, title loan or high-interest loan outstanding with more than one licensee;~~
- ~~(b) Whether a customer has had such a loan outstanding with one or more licensees within the 30 days immediately preceding the making of a loan;~~
- ~~(c) Whether a customer has had a total of three or more such loans outstanding with one or more licensees within the 6 months immediately preceding the making of the loan.~~

~~a licensee must consider if any of the above~~

~~Sec. 21. Sec. 19. Sec. 20.~~ Upon a licensee's query, the database shall inform a licensee whether a customer is eligible for a new loan and, if the customer is ineligible, the reason for such ineligibility. If the database informs a licensee that a customer is ineligible for a loan, then a licensee shall provide written notice to a customer with the reason for ineligibility, the database provider's contact information, and a statement advising the customer to submit an inquiry to the database provider should they have questions regarding the specific reason for such ineligibility. ~~The licensee must also provide the customer with an Adverse Action Notice pursuant to Regulation B.~~ The ineligibility notice does not preclude or replace any disclosure required by federal law.

~~Sec. 14. Sec. 20.~~ Sec. 21. A licensee shall enter into the database, in real time, all loans originated under the provisions of chapter 604A of NRS; when permissible, all renewals, extensions, rollovers, and refinances; grace periods; ~~refinances, when permissible;~~ payments; when a repayment plan offer is sent; when a repayment plan is entered into; ~~payment receipts; collection notes;~~ declined loans; and any transaction pertaining to the loan, as applicable, and in compliance with this chapter and chapter 604A of NRS.

~~Sec. 18. Sec. 17. Sec. 21.~~ ~~Before making a deferred deposit loan, title loan or high interest loan, a licensee shall query the database. The query shall be retained by the service provider and shall retain evidence of the query for the Office of the Commissioner's review. The database shall allow a licensee to make a deferred deposit loan, title loan or high interest loan only if making the loan is permissible under the provisions of this chapter and chapter 604A of NRS. At a minimum, the initial query should include the below to verify the identity of a customer and verify eligibility of the loan:~~

~~(a) The customer's full name: first and last name, and middle initial;~~

~~(c) The customer's residential address;~~

- ~~(f) The customer's telephone number;~~
- ~~(g) (b) The customer's social security number or alien registration number or naturalization certificate or certificate of citizenship number;~~
- ~~(h) (c) The customer's valid government issued photo ID number;~~
- ~~(d) The customer's date of birth, mm/dd/yyyy;~~
- ~~(e) The customer's gross income; and~~
- ~~(f) The customer's total obligations; and~~
- ~~(g) Net disposable income of the customer.~~

~~Sec. 24.~~~~Sec. 22.~~ *In addition to items (a) ~~(f)~~ (g) in Section 18-17-21, a A licensee shall enter the following information in the database, in real time, ~~for prior to~~ when a transaction takes place as prescribed in NRS 604A, Sections 5983-5987 and Section 303, Subsections 2 and 5 for each loan made pursuant to NRS 604A.501- NRS 604A.5034 and NRS 604A.5035- NRS 604A.5064, without limitation:*

- ~~(a) The customer's current employer;~~
- ~~(b) (a) If the customer is a covered service member;~~
- ~~(c) (b) If the customer is a dependent of a covered service member;~~
- ~~(d) (c) The origination date of the loan;~~
- ~~(e) (d) The term of the loan;~~
- ~~(f) Full amount of the loan (e) The principal amount of the loan;~~
- ~~(g) (f) The total finance charge associated with the loan;~~
- ~~(h) (g) The fee charged for the loan;~~
- ~~(i) (h) Due date of the loan;~~
- ~~(j) (i) The annual percentage rate of the loan;~~
- ~~(k) (j) The scheduled payment amount;~~
- ~~(l) (k) The payment details as described in section ~~23~~ 24; and~~

- ~~(m)~~ *The customer's gross income;*
- ~~(n)~~ *The customer's total obligations;*
- ~~(o)~~ *Net disposable income of the customer; and*
- ~~(p)~~ *(l) Type of loan product; and*
- ~~(q)~~ *(m)The customer's gross income; and*
- ~~(r)~~ *(n) The customer's total obligations*
- ~~(s)~~ *Status of the loan, without limitations:*

- ~~(1) If in collection, whether first party or third party, the date entered into collection and payment history.~~
- ~~(2) If the loan is in default, the date entered into default and payment history. If an interest rate changed, the rate and date it changed.~~
- ~~(3) If the loan is in grace period, the date entered into a grace period and payment history.~~
- ~~(4) If in a repayment plan, the date entered into a repayment plan and payment history.~~

~~Sec. 25. Sec.23. In addition to items (a) — (f) (g) in Section 18-17-21, a~~ A licensee shall enter the following information in the database, in real time, ~~for prior to~~ when a transaction takes place as prescribed in NRS 604A, Sections 5983-5987 and Section 303, Subsections 2 and 5 for each loan made pursuant to NRS 604A.5065- NRS 604A.5089, without limitation:

- ~~(a) Verification that the customer is the legal owner of the vehicle securing the loan;~~
- ~~(b) The customer's current employer;~~
- ~~(c) (b) If the customer is a covered service member;~~
- ~~(d) (c) If the customer is a dependent of a covered service member;~~
- ~~(e) (d) The origination date of the loan;~~
- ~~(f) (e) The term of the loan;~~

- ~~(g)~~ (f) ~~Full amount of the loan~~ The principal amount of the loan;
- ~~(h)~~ (g) The total finance charge associated with the loan;
- ~~(i)~~ (h) The fee charged for the loan;
- ~~(j)~~ (i) Due date of the loan;
- ~~(k)~~ (j) The annual percentage rate of the loan;
- ~~(l)~~ (k) The scheduled payment amount;
- ~~(m)~~ (l) The payment details as described in section ~~23~~24;
- ~~(n)~~ The customer's gross income;
- ~~(o)~~ The customer's total obligations;
- ~~(p)~~ Net disposable income of the customer;
- ~~(q)~~ (m) The year, make, ~~and~~ model, and Vehicle Identification Number (VIN) of the vehicle; and
- ~~(r)~~ (n) The fair market value of the vehicle from a third-party vendor. ~~The total amount of the loan cannot exceed the fair market value of the vehicle.~~
- ~~(s)~~ (o) The legal co-owner's name and consent from co-owner, if applicable; ~~and~~
- ~~(t)~~ Status of the loan, without limitations:
- ~~(1)~~ If in collection, whether first party or third party, the date entered into collection and payment history.
  - ~~(2)~~ If the loan is in default, the date entered into default and payment history.
  - ~~(3)~~ If the loan is in grace period, the date entered into a grace period and payment history.
  - ~~(4)~~ If in a repayment plan, the date entered into a repayment plan and payment history.
  - ~~(5)~~ The date repossession of the vehicle was ordered, if applicable.
  - ~~(6)~~ The date repossession occurred, if applicable.



~~Sec. 23.~~ **Sec. 24.** *A licensee shall enter the following information in the database, in real time, for each payment made on the loan, without limitation:*

- (a) The scheduled payment amount;*
- (b) The scheduled date of the payment;*
- (c) The actual payment amount;*
- (d) The date the payment was made;*
- (e) The allocation of the total payment, dollar amount applied to principal and dollar amount applied to interest and fees;*
- ~~*(f) Method of each payment received from a customer;*~~
- ~~*(#) (f) Method and a Amount and date of payment received from a customer when the loan is paid in full;*~~
- ~~*(#) (g) If a scheduled payment was missed:*~~
  - ~~*(1) The date the payment was missed;*~~
  - ~~*(2) If the missed payment changed the interest rate;*~~
  - ~~*(3) (1) The new interest rate, if applicable;*~~
  - ~~*(4) (2) Whether or not a repayment was offered;*~~
  - ~~*(5) (3) Did a customer enter a repayment plan; and*~~
  - ~~*(6) Whether or not a grace period was offer; and*~~
  - ~~*(7) (4) The duration of the grace period, if applicable.*~~

*If a customer enters into a loan agreement requiring installment payments, the licensee shall enter the information required pursuant to this section for each installment payment.*

~~Sec. 30.~~ **Sec. 25.** *The status of the loan must be entered into the database, without limitations:*

- (1) If in collection, whether first party or third party, the date entered into collection and payment history;*

- (2) *If the loan is in default, the date entered into default and payment history. If an interest rate changed, the rate and date it changed;*
- (3) *If the loan is in grace period, the date entered into a grace period and payment history;*
- (4) *If in a repayment plan, the date entered into a repayment plan and payment history;*
- (5) *The date the loan was closed as defined in this chapter;*
- (6) *The reason the loan was closed as defined in this chapter;*
- (7) *The date repossession of the vehicle was ordered, if applicable; and*
- (8) *The date repossession occurred, if applicable.*

~~Sec. 26. A licensee shall retain the following documentation and any and all documentation collected and reviewed in this chapter or chapter 604A of NRS for each loan made pursuant to NRS 604A.501-604A.5034, without limitation, copies of:~~

- ~~(a) Documents used to verify identity;~~
- ~~(b) Documents used to verify the ability to repay;~~
- ~~(c) Documents used to verify customer's income; and~~
- ~~(d) The customer's credit history.~~

~~Sec. 27. In addition to items (a) — (d) in Section 25-26, a licensee shall retain the following documentation and any and all documentation collected and reviewed in this chapter or chapter 604A of NRS for each loan made pursuant to NRS 604A.5065—NRS 604A.5089, without limitation:~~

- ~~(a) The vehicle title used to secure the loan. A copy of the title should be retained after the loan is closed;~~
- ~~(b) The third-party vendor documentation showing the fair market value of the vehicle securing the title loan at the time the loan was made;~~

~~(c) If there is a co-owner on the vehicle title, identification and consent form signed by the co-owner.~~

~~Sec. 28. For the purpose of NRS 604A.5076(5), a licensee must obtain written consent from each legal owner of the vehicle securing the title loan. The legal co-owner must be available in-person with a valid government-issued photo ID in order to sign a consent form. The consent form must advise the legal co-owner that if the borrower defaults on the loan and does not enter into a repayment plan, the licensee may seek repossession and sale of the vehicle. It should further disclose that the co-owner has no personal liability to make payments under the title loan agreement and is not personally obligated to repay the title loan, unless the co-owner signed the title loan agreement as a co-borrower.~~

~~Sec. 29.~~ *Sec.26. The Office of the Commissioner may periodically run reports for purposes other than examinations, investigations, or internal reporting, in order to publish a report online regarding the scope of the industry. The data in a report shall not disclose personal identifying information, licensee identifying information such as the name of a licensee, address or license number. It may contain the number of loans made per loan product, number of defaulted loans, number of paid loans including loans paid on the scheduled date and loans paid past the due date, total amount borrowed and collected, and any other data the Commissioner or his or her designee deems necessary.*

Senate Bill No. 201—Senators Cancela, Ratti, Parks; Brooks,  
Dondero Loop, Ohrenschall and Spearman

Joint Sponsors: Assemblymen Frierson and Yeager

CHAPTER.....

AN ACT relating to financial services; adopting certain provisions of the federal Military Lending Act; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans, title loans and high-interest loans made to customers in this State; providing that information in such a database is confidential under certain circumstances; authorizing a person who operates a deposit loan service, title loan service or high-interest loan service to distribute certain information and materials concerning public assistance and services; authorizing the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General to inform the public regarding certain information; revising provisions that prohibit the making of a deposit loan or high interest loan that exceeds or requires payments that exceed a certain percentage of the customer's expected gross monthly income; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures governing the licensing and regulation of certain short-term loans, commonly referred to as "payday loans," high-interest loans, title loans and installment loans. (Chapters 604A and 675 of NRS)

The federal Military Lending Act imposes limitations on the terms of consumer credit that is extended to members of the Armed Forces of the United States who are on active duty and their dependents, including, without limitation, a prohibition against a lender charging an interest rate greater than 36 percent. (10 U.S.C. 987) Existing law adopts the provisions of the federal Military Lending Act by referring to the federal law creating the Act. (NRS 99.050, 604A.411, 675.292) Sections 15 and 24 of this bill eliminate these provisions and, instead, sections 2-7, 15 and 1721 of this bill adopt the language of certain provisions of the Military Lending Act, including language: (1) prohibiting a lender from charging an annual percentage rate greater than the lesser of 36 percent or the maximum rate provided in the federal Military Lending Act or the regulations adopted pursuant thereto to a covered service member or a dependent of a covered service member; (2) requiring a lender to make certain disclosures before extending certain consumer credit to a covered service member or a dependent of a covered service member; and (3) prohibiting certain additional loan terms in a transaction with a covered service member or a dependent of a covered service member. Sections 11 and 22 of this bill require the Commissioner to adopt regulations to administer, carry out and enforce these provisions.

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Section 8 of this bill requires the Commissioner of Financial Institutions to develop, implement and maintain, by contract with a vendor or service provider or otherwise, a database of all deferred deposit loans, title loans and high-interest loans in this State, for the purposes of ensuring compliance with existing law governing these types of loans. Under section 8, a licensee who makes such loans must report and update certain information concerning each deferred deposit loan, title loan and high-interest loan made by the licensee. Section 8 further requires the Commissioner to establish a fee which must be charged and collected by the vendor or service provider from a licensee who is required to report the information using the database. The fee is required to be used to pay for the administration and operation of the database. Finally, sections 8 and 16 of this bill provide that information in the database or obtained by the Commissioner from the database is confidential, except that the Commissioner may use such information for statistical purposes if the identity of a person is not discernible from the information disclosed.

Section 9 of this bill authorizes a person who operates a deferred deposit loan service, high-interest loan service or title loan service to distribute information and materials provided by the Department of Health and Human Services concerning public assistance and services provided by public agencies.

Section 9.5 of this bill authorizes the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General to use reasonable means to inform the public regarding certain requirements for persons who offer deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State.

Existing law prohibits a person who operates a deferred deposit loan service from making a deferred deposit loan that exceeds



25 percent of the expected gross monthly income of the customer when the loan is made. (NRS 604A.5017) Similarly, existing law prohibits a person who operates a high-interest loan service from making a high-interest loan which requires any monthly

payment that exceeds 25 percent of the expected gross monthly income of the customer. (NRS 604A.5045) Section 12 of this bill prohibits a person who operates a deferred deposit loan service from making a deferred deposit loan that, in combination with any other outstanding loan of the customer, exceeds 25 percent of the expected gross monthly income of the customer when the loan is made. Section 13 of this bill prohibits a person who operates a high-interest loan service from making a high-interest loan which, in combination with any other outstanding loan of a customer, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer. Sections 12 and 13 eliminate the ability of a person making a deferred deposit loan or high-interest loan to be deemed in compliance with these limitations if the customer receiving the loan presents evidence of his or her gross monthly income and represents in writing that the loan does not violate these limitations, unless the person utilizes the database created pursuant to section 8 to confirm that a loan is in compliance with these limitations.

Section 23 of this bill provides that the provisions of this bill do not apply to any loan made before the provisions of this bill become effective. Sections 10 and 14 of this bill make conforming changes.

EXPLANATION — Matter in bolded italics is new; matter between brackets {emitted-material} is material to be omitted.

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

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act.

Sec. 2. "Consumer credit" means a loan made to a natural person to finance the purchase of goods that directly satisfy human wants or to defray personal or family expenses, not including:

1. A residential mortgage; or

2. A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.

Sec. 3. "Covered service member" means a member of the Armed Forces of the United States who is:

1. On active duty under a call or order to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 30 days; or

2. A member of the National Guard and Reserve on active duty orders.

Sec. 4. "Dependent" means:

1. The spouse of a covered service member; 2. A child of a covered service member who:

(a) Is less than 21 years of age;

(b) Is less than 23 years of age and is enrolled in a full-time course of study at an institution of higher learning and is in fact dependent on the covered service member for over one-half of the child's support; or

(c) Is incapable of self-support because of a mental or physical incapacity that occurred while the child was a person described by paragraph (a) or (b);

3. A parent or parent-in-law of a covered service member who is in fact dependent on the covered service member for over one-half of his or her support and who resides in the household of the covered service member;

4. An unmarried person who:

(a) Is placed in the legal custody of the covered service member as a result of an order of a court of competent jurisdiction for a period of at least 12 consecutive months;

(1) Less than 21 years of age;

(2) Less than 23 years of age and is enrolled in a full-time course of study at an institution of higher learning and is in fact dependent on the covered service member for over one-half of the person's support; or

(3) Incapable of self-support because of a mental or physical incapacity that occurred while the person was a person described by subparagraph (1) or (2);

(c) Is dependent on the covered service member for over one half of the person's support;

(d) Resides with the covered service member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Commissioner may prescribe; and

(e) Is not a dependent of a covered service member under subsection 1, 2 or 3.

Sec. 5. A licensee who makes a loan that constitutes consumer credit to a covered service member or his or her dependent shall not charge the covered service member or dependent an annual percentage rate with respect to the loan except as:

1. Agreed to under the terms of the written loan agreement entered into pursuant to NRS 604A.5012, 604A.504 or 604A.5067, as applicable;

2. Authorized by applicable state and federal law; and

3. Not specifically prohibited by NRS 99.050 and sections 6 and 7 of this act.

Sec. 6. 1. Before making a loan that constitutes consumer credit to a covered service member or a dependent of a covered service member, a licensee shall provide the following information to the covered service member or the dependent of a covered service member, as applicable, both orally and in writing:

(a) A statement of the annual percentage rate of interest applicable to the loan;

(b) Any disclosures required by the provisions of the Truth in Lending Act and any regulations adopted pursuant thereto; and

(c) A clear description of the payment obligations of the covered service member or dependent, as applicable.

2. A licensee shall present the disclosures required by subsection 1 in accordance with the provisions of Regulation Z.

Sec. 7. A licensee shall not make a loan that constitutes consumer credit to a covered service member or a dependent of a covered service member with respect to which:

1. The licensee extends, rolls over, renews, repays, refinances or consolidates any consumer credit extended to the customer by the same licensee with the proceeds of the other consumer credit extended to the same covered service member or dependent;

2. The customer is required to waive the customer's right to legal recourse under any otherwise applicable provision of state or federal law, including, without limitation, any provision of the Servicemembers Civil Relief Act, 50 U.S.C. 3901 et seq.;

3. The licensee imposes onerous legal notice provisions in the case of a dispute or demands unreasonable notice from the customer as a condition for legal action;

4. The licensee uses a check or other method of access to a deposit, savings or other financial account maintained by the customer, or the title of a vehicle as security for the obligation;

5. The licensee requires as a condition for the extension of consumer credit that the customer establish an allotment to repay an obligation; or

6. The customer is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.

Sec. 8. 1. The Commissioner shall, by contract with a vendor or service provider or otherwise, develop, implement and maintain a database by which the Commissioner and licensees may obtain information related to deferred deposit loans, title loans and high-interest loans made by licensees to customers in this State to ensure compliance with the provisions of this chapter. The information the Commissioner and licensees may obtain includes, without limitation:

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

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

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

(d) Any other information necessary to determine whether a licensee has complied with the provisions of this chapter.

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

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

(b) The type of loan made;

(c) The principal amount of the loan;

(d) The fees charged for the loan;

(e) The annual percentage rate of the loan;

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

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

(h) If the customer enters into a repayment plan pursuant to NRS 604A.5027, 604A.505S or 604A.5083, as applicable, the date on which the customer enters into the repayment plan; and

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

3. The Commissioner shall establish, and cause the vendor or service provider administering the database created pursuant to subsection 1 to charge and collect, a fee for each loan entered into the database by the licensee. The money collected pursuant to this subsection must be used to pay for the operation and administration of the database.

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

5. The Commissioner shall adopt regulations that:

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

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

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

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

Sec. 9. A person who operates a deferred deposit loan service, high-interest loan service or title loan service may, in consultation with the Department of Health and Human Services, distribute in a location at which the person conducts business under his or her license information and materials provided by the Department concerning public assistance and services provided by an agency or political subdivision of this State or the United States, including, without limitation, programs for debt reduction or relief, Medicaid, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families.

Sec. 9.5. 1. To the extent of available funding, the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General may use reasonable means to inform the public that, pursuant to NRS 604A.579, 604A.589 and 604A.598, a person who offers deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State must be

licensed to perform such services pursuant to this chapter and must comply with any state or federal law or regulation applicable to this State.

2. As used in this section, "reasonable means" includes, without limitation, advertising through any medium, including, without limitation, radio, television, Internet, banner ads, social media, public service announcements, community education, publishing and such other means of distributing information as are reasonably calculated to inform the public of the information set forth in subsection 1.

Sec. 10. NRS 604A.010 is hereby amended to read as follows:

604A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, and sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 604A.300 is hereby amended to read as follows:

604A.300 1. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

2. The Commissioner shall adopt ~~any~~ :

(a) Regulations to administer, carry out and enforce the provisions of sections 5, 6 and 7 of this act.

(b) Any other regulations as are necessary to carry out the provisions of this chapter.

Sec. 12. NRS 604A.5017 is hereby amended to read as follows:

604A.5017 1. A licensee who operates a deferred deposit loan service shall not make a deferred deposit loan that , in combination with any other outstanding loan of the customer, exceeds 25 percent of the expected gross monthly income of the customer when the deferred deposit loan is made.

2. A licensee who operates a deferred deposit loan service is not in violation of the provisions of this section if ~~the~~ :

(a) The customer presents evidence of his or her gross monthly income to the licensee and represents to the licensee in writing that the deferred deposit loan does not exceed 25 percent of the customer's expected gross monthly income when the loan is made H ; and

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(b) The licensee has utilized the database established pursuant to section 8 of this act to ensure that the deferred deposit loan, in combination with any other outstanding loan of the customer, does not exceed 25 percent of the customer's expected gross monthly income when the deferred deposit loan is made.

Sec. 13. NRS 604A.5045 is hereby amended to read as follows:

604A.5045 1. A licensee who operates a high-interest loan service shall not make a high-interest loan which, under the terms of the loan agreement H and in combination with any other outstanding loan of the customer, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. A licensee who operates a high-interest loan service is not in violation of the provisions of this section if {the} :

(a) The customer presents evidence of his or her gross monthly income to the licensee and represents to the licensee in writing that the monthly payment required under the terms of the loan agreement for the high-interest loan does not exceed 25 percent of the customer's expected gross monthly incomeH ; and

(b) The licensee has utilized the database established pursuant to section 8 of this act to ensure that the terms of the high-interest loan, in combination with any other outstanding loan of the customer, do not require any monthly payment that exceeds 25 percent of the customer's expected gross monthly income when the loan is made.



Sec. 14. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, ~~604A.411,~~ 604A.5011 to 604A.5034, inclusive, and 604A.5038 to 604A.5094, inclusive, 604A.610, 604A.615, 604A.650, 604A.655 or section 5, 6 or 7 of this act or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

- (a) Actual and consequential damages;
- (b) Punitive damages, which are subject to the provisions of NRS 42.005;
- (c) Reasonable attorney's fees and costs; and
- (d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to \$1,000 for each violation if the person knowingly:

- (a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;
- (b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.5012, 604A.504 or 604A.5067, as applicable;
- (c) Violates any provision of NRS 604A.5015, 604A.5043, 604A.507 or 604A.509, as applicable;
- (d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.502, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;
- (e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.5021, 604A.5049 or 604A.5072, as applicable;
- (f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.5021, 604A.5049, 604A.5072 or 604A.5092, as applicable;
- (g) Violates any provision of NRS 604A.503, 604A.5058 or 604A.5085, as applicable;
- (h) Violates any provision of NRS 604A.5031, 604A.5061, 604A.5086 or 604A.5094, as applicable; or
- (i) Violates any provision of ~~{ .NR.S.-604A.44-k- }~~ section 5, 6 or 7 of this act.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

- (a) Was not intentional;
- (b) Was technical in nature; and
- (c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 150 NRS 99.050 is hereby amended to read as follows:

99.050 *1.* Except as otherwise provided in ~~section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant~~

to subsection 2, parties may agree for the payment of any rate of interest on money due or to become due on any contract, for the compounding of interest if they choose, and for any other charges or fees. The parties shall specify in writing the rate upon which they agree, that interest is to be compounded if so agreed, and any other charges or fees to which they have agreed.

2. A creditor shall not charge an annual percentage rate that is greater than the lesser of 36 percent or the maximum annual percentage rate authorized under any federal law or regulation with respect to the consumer credit extended to a covered service member or a dependent of a covered service member. Any contract or agreement in violation of this subsection is void and unenforceable.

3. As used in this section:

(a) "Annual percentage rate" has the meaning ascribed to it in the federal Truth in Lending Act, as amended, IS U.S.C 551601 et seq., and the federal regulations adopted pursuant thereto.

(b) "Consumer credit":

(1) Except as otherwise provided in subparagraph (2), means credit offered or extended to a covered service member or dependent of a covered service member primarily for personal, family or household purposes, and that is:

(I) Subject to a finance charge; or

(11) Payable by a written agreement in more than four

installments.

(2) Does not include:

(I) A residential mortgage, which is any credit transaction secured by an interest in a dwelling, including a transaction to finance the purchase or initial construction of the dwelling, any refinance transaction, home equity loan or line of credit or reverse mortgage;

(11) Any credit transaction that is expressly intended to finance the purchase of a motor vehicle when the credit is secured by the vehicle being purchased;

(111) Any credit transaction that is expressly intended to finance the purchase of personal property when the credit is secured by the property being purchased;

(IV) Any credit transaction that is an exempt transaction for the purposes of 12 C.F.R. Part 1026, commonly known as

Regulation Z, other than a transaction exempt under 12 C.F.R. §

1026.29, or otherwise is not subject to disclosure requirements under 12 C.F.R. Part 1026, commonly known as Regulation Z; and

(V) Any credit transaction or account for credit for which a creditor determines that a natural person is not a covered borrower by using a method and by complying with the recordkeeping requirement set forth in 32 C.F.R. 232.5(b).

(c) "Covered service member":

(1) Except as otherwise provided in subparagraph (2), means a member of the armed forces who is serving on:

(I) Active duty pursuant to title 10, title 14 or title 32 of the United States Code, under a call or order that does not specify a period of 30 days or fewer; or

(11) Active Guard and Reserve duty, as that term is defined in 10 U.S.C. § 101(d)

(2) Does not include who was a covered service member pursuant to subparagraph (1) at the time he or she became obligated on a consumer credit transaction or established an account for consumer credit but is no longer a covered service member pursuant to subparagraph (1) or a dependent of a person who is a covered service member pursuant to subparagraph (1).

(d) "Credit" means the right granted to a natural person by a person engaged in the business of extending consumer credit, or an assignee of such a person with respect to any consumer credit extended, to defer payment or to incur debt and defer its payment.

(e) "Dependent" with respect to a covered service member means:

(1) The spouse;

(2) A child who:

(I) Has not attained the age of 21;

(11) Has not attained the age of 23, is enrolled in a fulltime course of study at an institution of higher learning approved by the administering Secretary, as defined in 10 U.S.C. 1072(3), and is, or was at the time of the covered service member's or former covered service member's death, in fact dependent on the covered service member or former covered service member for over one-half of the child's support; or

(111) Is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a covered service member or former covered service member pursuant to sub-subparagraph (I) or (11) and is, or was at the time of the covered service member's or former covered service member's

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death, in fact dependent on the member or former member for over one-half of the child's support;

(3) A parent or parent-in-law who is, or was at the time of the covered service member's or former covered service member's death, in fact dependent on him or her for over one-half of his or her support and residing in his or her household;

(4) An unmarried person who:

(I) Is placed in the legal custody of the covered service member or former covered service member as a result of an order of a court of competent jurisdiction in the United States, or possession of the United States, for a period of at least 12 consecutive months;

(11) Has not attained the age of 21, has not attained the age of 23 and is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary, as defined in 10 U.S.C 1072(3), or is incapable of self-support because of a mental or physical incapacity that occurred while the person was considered a dependent of the covered service member or former covered service member pursuant to this paragraph;

(111) Is dependent on the covered service member or former covered service member for over one-half of the person's support;

(IV) Resides with the covered service member or former covered service member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary, as defined in 10 U.S.C. 1072(3), may by regulation prescribe; and

(V) Is not a dependent of a covered service member or a former covered service member pursuant to subparagraph (1), (2) or (3).

(D "Dwelling" means a residential structure that contains one to four units, whether or not the structure is attached to real property. The term includes, without limitation, an individual condominium unit, cooperative unit, mobile home and manufactured home.

Sec. 16. 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, IA.IIO, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62I.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, 9L160, 116 · 757, 116A · 270, 116B · 880, 118B · 026, 119 · 260, 119 · 265, 119 · 267, 119 · 280, 119A · 280, 119A · 653, 119B · 370, 119B · 382, 120A · 690, 125 · 130, 125B · 140, 126 · 141, 126 · 161, 126 · 163, 126 · 730, 127 · 007, 127 · 057, 127 · 130, 127 · 40, 127 · 2817, 128 · 090, 130 · 312, 130 · 712, 136 · 050, 159 · 044, 159A · 044, 172 · 075, 172 · 245, 176 · 01249, 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, 2023662, 205 · 4651, 209 · 392, 2093925, 209 · 419, 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, 228 · 270, 228 · 450, 228 · 495, 228.570, 23L069, 23L1473, 233 · 190, 237 · 300, 239 · 0105, 239 · 0113, 239B · 030, 239B · 040, 239B · 050, 239C · 140, 239C · 210, 239C · 230, 239C250, 239C270, 240 · 007, 24L020, 24L030, 24L039, 242 · 105, 244 · 264, 244335, 247 · 540, 247 · 550, 247 · 560, 250 · 087, 250 · 130, 250 · 140, 250 · 150, 268 · 095, 268 · 490, 268 · 910, 271A · 105, 28L195, 28L805, 281A · 350, 281A · 680, 281A.685, 281A · 750, 281A · 755, 281A · 780, 284 · 4068, 286 · 110, 287 · 0438, 289 · 025, 289 · 080, 289387, 289 · 830, 293 · 4855, 293 · 5002, 293 · 503, 293 · 504, 293 · 558, 293 · 906, 293 · 908, 293 · 910, 293B · 135, 293D · 510, 33L110, 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 · 25, 360 · 755, 36L044, 36L610, 365 · 138, 366 · 160, 368A · 180, 370 · 257, 370 · 327, 372A · 080, 378 · 290, 378 · 300, 379 · 008, 379 · 1495, 385A · 830, 385B · 100, 387, 626, 387 · 631, 388 · 1455, 388 · 259, 388 · 501, 388 · 503, 388 · 513, 388 · 750, 388A · 247, 388A · 249, 391 · 035, 39L120, 39L925, 392 · 029, 392 · 147, 392 · 264, 392 · 271, 392 · 315, 392 · 317, 392325, 392327, 392335, 392 · 850, 394 · 167, 394 · 1698, 394 · 447, 394 · 460, 394 · 465, 3963295, 396 · 405, 396 · 525, 396 · 535, 396 · 9685, 398A · 115, 408 · 3885, 408 · 3886, 408 · 3888, 408 · 5484, 412 · 153, 416 · 070, 422 · 2749, 422 · 305, 422A · 342, 422A · 350, 425 · 400, 427A · 1236, 427A · 872, 432 · 028, 432 · 205, 432B · 175, 432B · 280, 432B · 290, 432B · 407, 432B · 430, 432B · 560, 432B · 5902,

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693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,  
710.159, 711.600, and section 8 of this act, sections 35, 38 and 41 of chapter 478, Statutes of  
Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared  
by law to be confidential, all public books and public records of a governmental entity must be  
open at all times during office hours to inspection by any person, and may be fully copied or an  
abstract or memorandum may be prepared from those public books and public records. Any such  
copies, abstracts or memoranda may be used to supply the general public with copies, abstracts  
or memoranda of the records or may be used in any other way to the advantage of the  
governmental entity or of the general public. This section does not supersede or in any manner

affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

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

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

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

Sec. 17. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 18, 19 and 20 of this act.

Sec. 18. A licensee who makes a loan under this chapter that constitutes consumer credit to a covered service member or his or her dependent shall not charge the covered service member or dependent an annual percentage rate with respect to the loan except as:

1. Agreed to under the terms of the loan agreement;
2. Authorized by applicable state and federal law; and
3. Not specifically prohibited by NRS 99.050 and sections 19 and 20 of this act.

Sec. 19. 1. Before making a loan under this chapter that constitutes consumer credit to a covered service member or a dependent of a covered service member, a licensee shall provide the following information to the covered service member or the dependent of a covered service member, as applicable, both orally and in writing:

- (a) A statement of the annual percentage rate applicable to the loan;
- (b) Any disclosures required by the provisions of the Truth in Lending Act and any regulations adopted pursuant thereto; and
- (c) A clear description of the payment obligations of the covered service member or dependent, as applicable.

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2. A licensee shall present the disclosures required by subsection 1 in accordance with the provisions of Regulation Z.

3. As used in this section:

(a) "Regulation Z" has the meaning ascribed to it in NRS 604A.090. (b) "Truth in Lending Act" has the meaning ascribed to it in NRS 604A.120.

Sec. 200 A licensee shall not make a loan under this chapter that constitutes consumer credit to a covered service member or a dependent of a covered service member with respect to which:

1. The borrower is required to waive the borrower's right to legal recourse under any otherwise applicable provision of state or federal law, including, without limitation, any provision of the Servicemembers Civil Relief Act, 50 U.S.C. 3901 et seq.;

2. The licensee imposes onerous legal notice provisions in the case of a dispute or demands unreasonable notice from the borrower as a condition for legal action;

3. The licensee uses a check or other method of access to a deposit, savings or other financial account maintained by the borrower, or the title of a vehicle as security for the obligation;

4. The licensee requires as a condition for the extension of consumer credit that the borrower establish an allotment to repay an obligation; or

5. The borrower is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.

Sec. 21. NRS 675.020 is hereby amended to read as follows:

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

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

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

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

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

5. "Consumer credit" has the meaning ascribed to it in section 2 of this act.

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6. "Covered service member" has the meaning ascribed to it in section 3 of this act.

7. "Dependent" has the meaning ascribed to it in section 4 of this act.

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

~~16.1~~ 9. "Licensee" means a person to whom one or more licenses have been issued.

Sec. 22. NRS 675.170 is hereby amended to read as follows:

675.170 1. The Commissioner {may}

(a) May adopt regulations and make orders for the administration and enforcement of this chapter, in addition hereto and not inconsistent herewith.

(b) Shall adopt regulations to administer, carry out and enforce the provisions of sections 18, 19 and 20 of this act.

2. Every regulation must be promulgated by an order, and any ruling, demand, requirement or similar administrative act may be promulgated by an order.

3. Every order must be in writing, must state its effective date and the date of its promulgation, and must be entered in an indexed permanent book which is a public record.

4. A copy of every order promulgating a regulation and of every other order containing a requirement of general application must be mailed to each licensee at least 20 days before the effective date thereof.

Sec. 23. The amendatory provisions of:

1. Sections 1 to 7, inclusive, 9, 10, 11 and 14 to 24, inclusive, of this act do not apply to any contract or agreement for the extension of credit entered into before October 1, 2019, and any such contract or agreement remains in effect in accordance with the provisions of the contract or agreement.

2. Sections 8, 12 and 13 of this act do not apply to any contract or agreement for the extension of credit entered into before July 1, 2020, and any such contract or agreement remains in effect in accordance with the provisions of the contract or agreement.

Sec. 24. NRS 604A.411 and 675.292 are hereby repealed.

Sec. 25. 1. This section and sections 1 to 7, inclusive, 9, 10, 11 and 14 to 24, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On October 1, 2019, for all other purposes.

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2. Sections 8, 12 and 13 of this act become effective on:

(a) July 1, 2019, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections including, without limitation, any tasks that are necessary to contract with a vendor or service provider or otherwise develop, implement and maintain the database described in section 8 of this act; and (b) July 1, 2020, for all other purposes.





DECLARATION OF EMERGENCY  
DIRECTIVE 006

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization and United States Centers for Disease Control and Prevention have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

WHEREAS, recreational social gatherings unnecessarily extend periods of interpersonal contact and promulgates spread of COVID-19; and

WHEREAS, certain non-essential activities result in the congregation of persons for extended periods of time; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency Of disaster, public meetings Of gatherings; and

WHEREAS, Nevada Revised Statutes 414.060(3) states: "In performing his Of her duties under this chapter and to effect its policy and purpose, the Governor may: (a) Make, amend and rescind the necessary orders and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon the Governor in this chapter, with due consideration of the plans provided by the Federal Government;" and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all Of part of the population from any stricken or threatened area Of areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and pf0tection of the civilian population; and

WHEREAS, on March 15, 2020, I directed executive branch agencies to close state offices to the public and to wind down in-person public services and to the extent practicable, transition services to online and over-the-phone services; and

WHEREAS, Nevada Revised Statutes 241.010 provides that "[i]n enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly;" and

WHEREAS, the continued operations of state public bodies are essential to the State of Nevada; and

WHEREAS, on March 20, 2020, I issued Declaration of Emergency Directive 003 that ordered the closure of all Non-Essential Businesses by 11:59 p.m. on March 20, 2020, authorized criminal and civil penalties of Non-Essential Businesses that continued to operate in violation of that order, and authorized all local, city, and county governments along with the Office of the Attorney General to enforce that Directive; and

WHEREAS, immediate enforcement of Declaration of Emergency Directive 003 is vital to protect the Health and Safety of the public:

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

SECTION 2: If a public body holds a meeting by means of teleconference Of videoconference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment, and post that means on the public notice agenda posted in accordance with NRS 241.020. Public comment options may include, without limitation, telephonic or email comment.

SECTION 3: The requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.

SECTION 4: Public bodies must still comply with the requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail Of electronic mail.

SECTION 5: The requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material f0f public meetings is suspended.

SECTION 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

SECTION 7: A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them.

SECTION 8: The requirements of NRS 241.033, NRS 241.034 are suspended for any actions necessary to enforce Declaration of Emergency Directive 003 against entities, owners, representatives, agents, or employees that continue to operate or assist in operation after 11:59 p.m. on March 2020. Public bodies enforcing Declaration of Emergency Directive 003 against entities, owners, agents, or employees pursuant to this section shall provide the responding party with at least 24 hours notice of a meeting to take action; and

SECTION 9: Public bodies may enforce Declaration of Emergency Directive 003 at an emergency meeting as authorized by NRS 241.020(11) and may make use of all other amendments to NRS chapter 241 included in this Executive Order.

SECTION 10: This Directive shall remain in effect until April 16, 2020, unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 22nd day of March,

in the year two thousand twenty.



\_\_\_\_\_  
Governor of the State of Nevada

*Barbara K. Cegavske*  
\_\_\_\_\_  
Secretary of State

*Scott M. Coulter*  
\_\_\_\_\_  
Deputy Secretary of State