

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 Workshop to Solicit Comments on Proposed Regulations Pertaining to Senate Bill 311 (S.B.311)- Equal Opportunity for Credit

The regulation included in this memorandum is being proposed for permanent adoption. In order to review the proposed regulation and solicit comments from interested persons, a workshop will be held via Webex conference from 1:00 p.m. – 3:00 p.m. 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  
Proposed Regulation  
Small Business Impact Statement  
Enrolled Version S.B.311  
Governor's Sixth Directive

NOTICE OF WORKSHOP  
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS PERTAINING TO  
SENATE BILL 311 (S.B.311)  
THE REGULATION OF EQUAL OPPORTUNITY FOR CREDIT  
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 598B of the Nevada Administrative Code (“NAC”). The proposed regulations are required as a result of the passage of Senate Bill 311 (S.B.311) 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: 1:00 p.m. – 3:00 p.m.

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

[Join meeting](#)

Meeting number (access code): 146 340 8716

Meeting password: SB311WS

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

Additional options to join:

**Join from a video system or application**

Dial [1463408716@businessnv2.webex.com](tel:1463408716@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 [1463408716.businessnv2@lync.webex.com](tel:1463408716.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 may be subject to the provisions of the new law regarding consumer litigation funding 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 to 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 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  
Capital Building, Main Floor  
101 North Carson Street  
Carson City, Nevada 89701

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

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

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

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

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

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

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

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

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

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

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

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

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

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:  
[www.notice.nv.gov](http://www.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 FINANCIAL INSTITUTIONS**

**LCB File No. R097-20**

August 21, 2020

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

AUTHORITY: §§1-4, NRS 233B.040, 598B.090 and 598B.135.

A REGULATION relating to equal opportunity for credit; interpreting the phrase “no credit history” for the purposes of certain statutory provisions; clarifying the applicability of certain statutory provisions; clarifying the rights and responsibilities provided in certain statutory provisions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits discrimination on the basis of marital status with respect to any aspect of a credit transaction. (NRS 598B.100) Existing law also provides that, for certain applicants for credit who have no credit history, it is discrimination on the basis of marital status for a creditor to fail to comply with a request of an applicant to have the applicant’s credit history deemed to be the same as the credit history of the applicant’s spouse or former spouse as established during the marriage. (NRS 598B.135) These provisions regarding applicants with no credit history, codified as NRS 598B.135, were enacted during the 2019 Legislative Session as section 3 of Senate Bill No. 311 and are similar to a requirement in federal regulations. (12 C.F.R. § 1002.6(b)(6)(iii))

**Section 2** of this regulation interprets the phrase “no credit history” for the purposes of NRS 598B.135. **Section 3** of this regulation clarifies the circumstances under which NRS 598B.135 does not apply to a creditor. **Section 4** of this regulation clarifies the scope of the rights of applicants and responsibilities of creditors as provided in NRS 598B.135.

**Section 1.** Chapter 598B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

**Sec. 2.** *As used in NRS 598B.135, the Commissioner of Financial Institutions will interpret the phrase “no credit history” to mean that the credit report of the applicant does not contain any information concerning any credit transaction.*

**Sec. 3.** *The provisions of NRS 598B.135 do not apply to a creditor with regard to an application for credit if:*

- 1. The creditor cannot comply with NRS 598B.135 without violating federal law.*
- 2. The creditor cannot legally obtain the credit history of the spouse or former spouse of the applicant as needed to comply with NRS 598B.135.*
- 3. The credit history of the spouse or former spouse of the applicant which is needed to comply with NRS 598B.135 is not available to the creditor for any reason beyond the control of the creditor, including, without limitation, when the necessary credit history is no longer retained by a credit reporting agency.*

**Sec. 4.** *Except as otherwise provided in section 3 of this regulation, the Commissioner will interpret NRS 598B.135 so that the rights of applicants and the responsibilities of creditors for the purposes of NRS 598B.135 shall be deemed to be coextensive with the respective rights and responsibilities under 12 C.F.R. § 1002.6(b)(6)(iii).*

**SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED REGULATIONS BY  
THE FINANCIAL INSTITUTIONS DIVISION (Division)  
TO SENATE BILL (SB) 311 (Title 52, Chapter 598B)  
EQUAL OPPORTUNITY FOR CREDIT  
August 13, 2020**

**1. Small Business Impact Statement pursuant to NRS 233B.0609:**

**(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

**(I) Solicitation of affected small businesses.**

The Division sought comments in accordance with NRS 233B.0608 for the purpose of considering whether as a result of the proposed regulations, there may be a direct and significant economic burden upon small business (defined as fewer than 150 employees) or if the regulations will directly restrict the formation, operation or expansion of a small business seeking to those engaged in or who desire to engage in the business of extending credit to ensure that there is established in this State an adequate, efficient and competitive service available to the general public.

The Division composed the solicitation list from current licensees under Nevada Revised Statutes (NRS) 675, 604A, state-chartered depository institutions, and industry organizations that extend credit and the Division's regulatory action contact list. In turn, the Division solicited comments on the proposed regulations for SB 311 (Title 52, Chapter 598B) from the above lists by emailing a notice and questionnaire. Additionally, a copy of the full text of the proposed regulations was emailed and posted to the Division's website. The solicited comments were used to formulate this Small Business Impact Statement.

**(II) Summary of responses.**

See attached spreadsheet.

**(III) Obtain a copy of the summary.**

This Small Business Impact Statement was posted on the NFID website dated August 31, 2020 along with a Notice of Workshop for September 16, 2020. Interested persons may also obtain a copy of the Small Business Impact Statement by contacting the:

**Office of the Commissioner  
Financial Institutions Division  
3300 W. Sahara Avenue, Suite 250  
Las Vegas, NV 89102  
Email: FIDMaster@fid.state.nv.us  
Telephone: (702) 486-4120  
Fax: (702) 486-4563  
Website: <http://fid.nv.gov>**

**(b) The manner in which the analysis was conducted.**



Pursuant to NRS 233B.0608(1), the Division made a concerted effort to determine whether the proposed regulations are likely to impose a direct and significant economic burden upon a small business; or directly restrict the formation, operation or expansion of a small business. For this effort, the Division sent a copy of the draft regulations and a Small Business Impact Questionnaire to all known interested parties for review and invited written comment regarding the impact to the entities took all comments submitted into consideration.

Following review and analysis of the authorizing statutory language (Senate Bill 311) and written comment from the industry, the Division has determined that the proposed regulation is unlikely to impose a direct and significant economic burden upon a small business; result in any direct or indirect adverse effects on small business; or directly restrict the formation, operation, or expansion of a small business.

**(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including, without limitation:**

**(1) Both Adverse and Beneficial effects:**

**(I) ADVERSE EFFECTS:**

There are no fees or costs imposed by SB 311 or the proposed regulation.

**(II) BENEFICIAL EFFECTS:**

There are no fees or costs imposed by SB 311 or the proposed regulation.

**(2) Both Direct and Indirect effects:**

**(I) DIRECT EFFECTS:**

There are no fees or costs imposed by SB 311 or the proposed regulation.

**(II) INDIRECT EFFECTS:**

There are no fees or costs imposed by SB 311 or the proposed regulation.

**(d) A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Division has received a total of twenty-six (26) responses to the solicitation sent to all interested parties. The Division has considered and analyzed all submitted comments and addressed those comment in the attached summary of response spreadsheet. Some of the comments were more directed towards SB 311 and not the proposed regulation. The proposed regulation intends to correct conflicts with state and federal law regarding discrimination based upon marital status.

**(e) The estimated cost to the agency for enforcement of the proposed regulation.**

The Division does not foresee any additional cost or fees associated with the proposed regulation. The proposed regulation intends to correct conflicts with state and federal law regarding discrimination based upon marital status.

**(f) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect, and the manner in which the money will be used.**

The proposed regulation does not provide for a new fee or increase to an existing fee.

**(g) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

To our knowledge, the proposed regulations do not duplicate any existing federal, state, or local standards regulating the same activity. The proposed regulation intends to correct conflicts with state and federal law regarding discrimination based upon marital status.

**(h) The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.**

This is a result of the passage of new legislation, SB 311. There are no fees or costs associated with SB 311 or the proposed regulation. The proposed regulation intends to correct conflicts with state and federal law regarding discrimination based upon marital status.

To the best of my knowledge, the information contained in this Small Business Impact Statement was prepared properly and accurate.



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Sandy O'Laughlin  
Commissioner  
Financial Institutions Division  
State of Nevada, Department of Business and Industry

<b><u>SB311 Equal Opportunity for Credit- Direct or Indirect Impact Item</u></b>	<b><u>Number/ and %</u></b>	<b><u>Direct or Indirect</u></b>	<b><u>Adverse or Beneficial</u></b>	<b><u>NFID Answer/Mitigation</u></b>
Creditors are not permitted to access a credit report where there is no permissible purpose or consent from the non-applicant. The requirement violates the FCRA, and because creditors are not permitted to obtain information about a non-applicant spouse or former spouse based solely on the applicant's request, it violates the ECOA/Regulation B prohibition on requesting information on an applicant's spouse or former spouse.	4 (15%)	Direct	Adverse	Language of proposed regulation NAC 598B section 3 (1) should correct the issue.
Violates privacy rights and data security rules by requiring creditors to obtain and disseminate private financial information about an applicant's spouse or former spouse without that person's knowledge or consent.	3 (11%)	Direct	Adverse	Language of proposed regulation NAC 598B section 3 (2) should correct the issue.
Interpreting the phrase "no credit history". Licensee interprets that the phrase to mean no record of payment history as available through the major credit reporting agencies	1 (3%)	Indirect	Adverse	Language of proposed regulation NAC 598B section 2 defines specifically the meaning of "no credit history" with respect to NRS 598B.135
Suggests Sec.4 reference to the Equal Credit Opportunity Act and the Fair Credit Reporting Act and the specific regulations promulgated under both acts as well as any similar state-equivalent requirements in addition to the refence to 12 C.F.R. Section 1002.6(b)(6)(iii).	1 (3%)	Indirect	Adverse	Language of proposed regulation NAC 598B 3 (1) is referenced in section 4 as is relates to federal laws.

As NRS 598B.135 as written, would cause additional overhead costs and costs associated with pulling credit reports of other individuals, analyzing said credit reports and training to ensure compliance with state and federal law. Complying with NRS 598B.135 increases litigation and compliance risk associated with creditor's business operations	4 (15%)	Direct	Adverse	Costs associated with SB311 are representative of the Bill rather than the proposed regulation NAC 598B.
If online lenders are exempt, it will be beneficial	1 (3%)	Direct	Beneficial	Any and all lenders extending credit to Nevada residents are required to have a license, there is no exemption for online lending.
If online lenders are not exempt, it will have an adverse impact due to the need to develop a system to request, track, store and analyze the spousal credit reports.	1 (3%)	Direct	Adverse	Online lenders are not exempt from NRS 598B.135
Section 2 defines "no credit history" but does not define credit transaction. Lenders review and rely on credit report information that is not transactional per se. Example, whether the applicant has any outstanding judgments or bankruptcies is reported as part of the public records section of consumer credit reports. The failure to define credit transaction will lead to confusion and difficulty applying the regulation where an applicant does not have any reportable trade-line transactions on their credit report due to the age of the transactions but have reportable public records that bears on their creditworthiness.	1 (3%)	Direct	Adverse	SB311 as it relates to NRS 598B.135 for discrimination based upon marital status. SB311 is not intended to identify loan commitments.

Section 3 - Given that lenders complying with NRS 598B.135 cannot do so without violating the Fair Credit Reporting Act or Equal Opportunity Act, this section serves the purpose of placing an additional burden on lenders to demonstrate why the request violates federal law. Further, each lender accused of violation of NRS 598B.132 is in the position of defending its reliance of well settled federal law. In order to ensure that its processes are defensible, lenders will incur significant expenses but with no meaningful offsetting benefit to consumers.	1 (3%)	Direct	Adverse	Language of proposed regulation NAC 598B section 3 (1) should correct the issue.
Unclear how a lender may go about ascertaining that an applicant is seeking to use a spouse of former spouse's credit history. Nor does it provide clarity of what type of information lenders must gather from applicants in order to determine whether they are seeking to avail themselves of NRS 598B.135. The additional information gathering and analysis that would be required is operationally burdensome and expensive for small businesses.	1 (3%)	Direct	Adverse	Section 3 of the proposed regulation NAC 598B defines the creditors responsibilities.
Section 4, the term "coextensive" is ambiguous and will result in confusion for both applicants and lenders. If the intent is to clarify that NRS 598B.135 does not impose requirements in excess of the federal regulations, the language should be clarified to explicitly state that.	1 (3%)	Indirect	Adverse	Terminology of "coextensive" carries specificity within section 4 as it relates to 12 C.F.R § 1002.6(b)(6)(iii).
NRS 598B.135 and the proposed regulations does not address whether lenders will need to send special notices to Nevada residents who seek benefits under its provisions, but who do not qualify for those benefits.	1 (3%)	Indirect	Adverse	The proposed regulation does not preclude or replace any disclosure required by federal law.
The regulation does not address how lenders can determine whether Nevada residents are asking to use credit history from a spouse or former spouse.	1 (3%)	Indirect	Adverse	Creditors internal processes are outside of the proposed regulations.

It doesn't address the question of whether it would remain applicable if a remarried applicant seeks to use the credit history of a former spouse.	1 (3%)	Indirect	Adverse	The proposed language in section 2 defines the meaning of "no credit history" with respect to NRS 598B.135. SB311 section 2 defines "marital status"
The bill conflicts with Federal law such as FCRA and ECOA, the lender may be exposed to potential litigation from consumers who claim we are not complying with state law. Costs to defend legal actions can be excessive.	1 (3%)	Direct	Adverse	The language in the proposed regulation should correct this issue.
Third party vendor relationships that have contractual requirements to conform to Federal law. This may lead to conflict with vendors or cancellation of contracts. Reputation risks from consumers	3 (11%)	Indirect	Adverse	Vendor relations is outside of proposed regulation NAC 598B.
Anytime that a new law expresses certain rights and provides penalties for credit review activities or where categories of discrimination are expanded, a lending business is involved in higher rate/risk loans and can expect to eventually face claims of violation which will require time and effort in investigating and handling.	1 (3%)	Indirect	Adverse	This is a comment directed towards SB311 that was passed by the legislators in the 2019 legislative session and codified into law- NRS 598B. The language in the proposed regulation intends to correct conflicts with state and federal law regarding discrimination based upon marital status.
<b><u>SBI Response Summary:</u></b>  Total Solicited: 200 Total Responded: 26 % Responded: 13%				

Senate Bill No. 311—Senators Parks, D. Harris,  
Brooks; Spearman and Woodhouse

Joint Sponsors: Assemblymen Jauregui,  
McCurdy, Spiegel and Tolles

CHAPTER.....

AN ACT relating to credit; prohibiting discrimination against a person who seeks to obtain credit;  
revising provisions governing discrimination based on the marital status of a  
person who seeks to obtain credit; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires that any person seeking credit be afforded equal opportunity to have their creditworthiness evaluated under the same relevant economic standards and without any discrimination on the basis of their sex or marital status. (NRS 598B.020, 598B.100) **Section 2** of this bill defines marital status. **Section 3** of this bill permits an applicant for credit who has no credit history and was married to request that a creditor deem the applicant’s credit history to be identical to that of the applicant’s spouse during their marriage. Under **section 3**, the failure of a creditor to comply with such a request is deemed to be discrimination based on marital status. **Sections 4 and 7** of this bill expand the protection against discrimination to include race, color, creed, religion, disability, national origin or ancestry, sexual orientation, and gender identity or expression. **Section 6** of this bill requires the Commissioner of Financial Institutions to study the nature and extent of any discrimination based on race, color, creed, religion, disability, national origin or ancestry, sexual orientation, and gender identity or expression. **Section 6** also requires the Commissioner of Financial Institutions to cooperate with and assist in programs to prevent or eliminate such discrimination.

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

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

**Section 1.** Chapter 598B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Marital status” means all states of being married or unmarried, and includes, without limitation, the states of being single, married, separated, divorced or widowed.*

**Sec. 3. 1.** *If an applicant for credit:*

*(a) Has no credit history;*

*(b) Was or is married;*

*(c) Requests that the creditor deem the credit history of the applicant to be identical to the credit history of the applicant’s spouse which was established during the marriage referenced in paragraph (b); and*

*(d) If requested by the creditor, provides, with regard to the marriage referenced in paragraph (b), evidence of:*

*(1) The existence of the marriage; and*

*(2) The date of the marriage and, if applicable, the date the marriage ended,*

*↪ The creditor must deem the credit history of the applicant to be identical to the credit history of the applicant’s spouse which was established during the marriage referenced in paragraph (b).*

*2. Violation of this section by a creditor shall be deemed to be discrimination based on marital status.*

**Sec. 4.** NRS 598B.020 is hereby amended to read as follows:

598B.020 It is hereby declared to be the public policy of the State of Nevada that all people in the State desiring to obtain credit shall be afforded equal opportunity to have their creditworthiness evaluated under the same relevant economic standards and without any discrimination on the basis of their *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status.

**Sec. 5.** NRS 598B.030 is hereby amended to read as follows: 598B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 598B.040 to 598B.080, inclusive, *and section 2 of this act* have the meanings ascribed to them in such sections.

**Sec. 6.** NRS 598B.090 is hereby amended to read as follows: 598B.090 The Commissioner of Financial Institutions through the Division shall:

1. Administer the provisions of this chapter;

2. Study the nature and extent of any discrimination as to *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status in credit practices in this state; and

3. Cooperate with and assist all public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate discrimination on the basis of *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status in credit practices.

**Sec. 7.** NRS 598B.100 is hereby amended to read as follows: 598B.100 It is unlawful for any creditor to discriminate against any applicant on the basis of the applicant’s *race, color, creed, religion, disability, national origin or ancestry*, sex , *sexual orientation, gender identity or expression*, or marital status with respect to any aspect of a credit transaction.





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.



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Governor of the State of Nevada

*Barbara K. Cegavske*  
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Secretary of State

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