Amendment No. 874

Assembly A	(BDR 57-232)								
Proposed by: Committee on Ways and Means									
Amendment Box:									
Resolves Conflicts with: N/A									
Amends:	Summary: No	Title: Yes	Preamble: No	Joint Sponsorship: No	Digest: No				

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of A.B. 338 R1 (§§ 7, 13, 61, 64, 74, 75, 85, 123, 152, 158).

ASSEMBLY ACTION	Initial and Date	SENATE ACT	ION	Initial and Date
Adopted □ Lost □ _		Adopted □	Lost □	
Concurred In □ Not □ _		Concurred In □	Not □	
Receded □ Not □ _		Receded □	Not □	

Amend sec. 7, page 2, line 37, before "applicant," by inserting:

"discount health plan of the".

Amend sec. 7, page 3, line 1, by deleting:

"any other business enterprise," and inserting:

"the discount health plan,".

Amend sec. 7, page 3, line 10, after "independent" by inserting "certified".

Amend sec. 7, page 3, by deleting lines 23 and 24 and inserting:

"3. An administrator registered pursuant to NRS 683A.0805 to 683A.0893, inclusive, or an insurer, health maintenance organization or prepaid limited health service organization organized pursuant to this title is not required to pay".

JDA/JRS Date: 5/23/2005

A.B. No. 338—Makes various changes relating to insurance.



Amend sec. 9, page 4, line 3, before "The" by inserting "1.".

Amend sec. 9, page 4, line 7, by deleting "1." and inserting "(a)".

Amend sec. 9, page 4, line 8, by deleting "2." and inserting "(b)".

Amend sec. 9, page 4, line 10, by deleting "3." and inserting "(c)".

Amend sec. 9, page 4, line 12, by deleting "4." and inserting "(d)".

Amend sec. 9, page 4, line 15, by deleting "5." and inserting "(e)".

Amend sec. 9, page 4, line 17, by deleting "6." and inserting "(f)".

Amend sec. 9, page 4, between lines 18 and 19, by inserting:

- "2. The disclosures required pursuant to this section may be provided orally or electronically if written disclosures are provided not later than the earlier of:
 - (a) Ten days after the prospective member elects to accept the discount health plan; or
- (b) The date on which any other written material is provided by the discount health plan to the member.".

Amend sec. 12, page 4, line 27, by deleting "a civil" and inserting "an administrative".

Amend sec. 13, page 5, line 16, by deleting "a civil" and inserting "an administrative".

Amend sec. 45, page 10, line 16, by deleting "of:" and inserting:

"of or credit for:".

Amend sec. 45, page 10, line 17, by deleting "that" and inserting "than".

Amend sec. 45, page 10, by deleting line 29 and inserting:

"(g) If the premium or charge for the insurance is financed,".

Amend sec. 45, page 10, line 30, by deleting "that".

Amend sec. 47, page 11, line 35, by deleting "of coverage" and inserting ", term".

Amend sec. 47, page 11, line 36, by deleting "exclusions;" and inserting:

"exclusions of coverage;".

Amend sec. 49, page 13, line 4, by deleting "less" and inserting "more".

Amend the bill as a whole by deleting sec. 51 and adding:

"Sec. 51. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 53 and adding:

"Sec. 53. (Deleted by amendment.)".

Amend sec. 58, page 14, line 41, by deleting "of" and inserting "by".

Amend sec. 59, page 14, line 43, by deleting "90" and inserting "60".

Amend sec. 59, page 15, line 1, by deleting "90" and inserting "60".

Amend sec. 60, page 15, line 8, by deleting "chapter;" and inserting:

"chapter and in accordance with the standards established in NRS 686B.050 and 686B.060;".

Amend sec. 61, page 15, line 19, after "*Revocation*" by inserting:

", suspension or limitation".

Amend the bill as a whole by deleting sections 62 and 63 and adding:

"Secs. 62 and 63. (Deleted by amendment.)".

Amend sec. 64, page 20, line 43, after "the" by inserting "[Insurance]".

Amend sec. 64, page 22, by deleting line 8 and inserting:

Amend sec. 64, page 22, line 10, by deleting "250" and inserting "2450".

Amend the bill as a whole by deleting sec. 65 and adding:

"Sec. 65. (Deleted by amendment.)".

Amend sec. 70, page 25, lines 15 and 25, by deleting "of" and inserting:

"established by the Commissioner of not more than".

Amend the bill as a whole by adding new sections designated sections 70.3 and 70.7, following sec. 70, to read as follows:

- "Sec. 70.3. NRS 683A.261 is hereby amended to read as follows:
- 683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:
- (a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.
- (b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.
 - (c) Property insurance for direct or consequential loss or damage to property of every kind.
- (d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.
- (e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.
- (f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

- (g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.
- (h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.
 - (i) Fixed annuities as a limited line.
 - (j) Travel and baggage as a limited line.
 - (k) Rental car agency as a limited line.
- 2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account are paid for each license and each affiliation with a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30

days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

- 3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.
- 4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.
- 5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.
- 6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by

certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

- **Sec. 70.7.** NRS 683A.271 is hereby amended to read as follows:
- 683A.271 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a nonresident person if:
 - (a) He is currently licensed as a resident and in good standing in his home state;
- (b) He has made the proper request for licensure and paid the fee prescribed for the license and a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account;
- (c) He has sent to the Commissioner the application for licensure that he made in his home state, or a completed uniform application; and
- (d) His home state issues nonresident licenses as producers of insurance to residents of this State pursuant to substantially the same procedure.
- 2. The Commissioner may participate with the National Association of Insurance

 Commissioners or a subsidiary in a centralized registry in which licensing and appointment of
 producers of insurance may be effected for all states that require licensing and participate in the
 registry. If he finds that participation is in the public interest, he may adopt by regulation any
 uniform standards and procedures necessary for participation, including central collection of fees for
 licensing and appointment that are handled through the registry.

- 3. A nonresident producer who moves from one state to another state shall file a change of address and certification from his new state of residence within 30 days after his change of legal residence. No fee or application for license is required.
- 4. A nonresident licensed as a producer for surplus lines in his home state must be issued a nonresident license of that kind in this State pursuant to subsection 1, subject in all other respects to chapter 685A of NRS. A nonresident licensed as a producer for limited lines in his home state is entitled to a nonresident license of that kind in this State pursuant to subsection 1, granting the same scope of authority as the license issued in the home state. As used in this subsection, insurance for limited lines is authority granted by the home state which is restricted to less than the total authority prescribed for the associated major lines pursuant to NRS 683A.261.".

Amend the bill as a whole by adding new sections designated sections 71.1 through 71.9, following sec. 71, to read as follows:

"Sec. 71.1. NRS 683C.030 is hereby amended to read as follows:

- FIRST PARALLEL SECTION
- 683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and an additional fee *established by the Commissioner* of *not more than* \$15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305. The license fee and the additional fee are not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.
- 2. An applicant for an insurance consultant's license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

- 3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated.
 - **Sec. 71.3.** NRS 683C.030 is hereby amended to read as follows:

SECOND PARALLEL SECTION

- 683C.030 1. An application for a license to act as an insurance consultant must be made to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and an additional fee *established by the*Commissioner of not more than \$15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305. The license fee and the additional fee are not refundable.
- 2. An applicant for an insurance consultant's license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.
- 3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated.
 - **Sec. 71.5.** NRS 683C.035 is hereby amended to read as follows:
- 683C.035 1. The Commissioner shall prescribe the form of application by a natural person for a license as an insurance consultant. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:
 - (a) Attained the age of 18 years.
- (b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license pursuant to NRS 683A.451.

- (c) Paid the fee prescribed for the license and a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account, neither of which may be refunded.
- (d) Passed each examination required for the license and successfully completed each course of instruction which the Commissioner requires by regulation, unless he is a resident of another state and holds a similar license in that state.
- 2. A business organization must be licensed as an insurance consultant in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:
- (a) Paid the fee prescribed for the license and a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and
- (b) Designated a natural person who is licensed as an insurance consultant in this State and who is affiliated with the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance.
- 3. The Commissioner may require any document reasonably necessary to verify information contained in an application.
- 4. A license issued pursuant to this chapter is valid for 3 years after the date of issuance or until it is suspended, revoked or otherwise terminated.
- 5. An insurance consultant may qualify for a license pursuant to this chapter in one or more of the lines of authority set forth in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 683A.261.
 - **Sec. 71.7.** NRS 683C.040 is hereby amended to read as follows:
- 683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

- (a) If the application is made:
- (1) On or before the expiration date of the license, the applicable renewal fee and an additional fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account; or
- (2) Not more than 30 days after the expiration date of the license, the applicable renewal fee plus any late fee required and an additional fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account;
 - (b) If the applicant is a natural person, the statement required pursuant to NRS 683C.043; and
- (c) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.
 - 2. The fees specified in this section are not refundable.
 - **Sec. 71.9.** NRS 683C.040 is hereby amended to read as follows:
- 683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:
 - (a) If the application is made:

SECOND PARALLEL SECTION

- (1) On or before the expiration date of the license, the applicable renewal fee and an additional fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account; or
- (2) Not more than 30 days after the expiration date of the license, the applicable renewal fee plus any late fee required and an additional fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account; and

- (b) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.
 - 2. The fees specified in this section are not refundable.".

Amend the bill as a whole by adding new sections designated sections 75.3 through 75.7, following sec. 75, to read as follows:

- "Sec. 75.3. NRS 684A.160 is hereby amended to read as follows:
- 684A.160 Before the issuance or continuation of an adjuster's license the applicant must pay a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.
 - **Sec. 75.5.** NRS 685A.120 is hereby amended to read as follows:

FIRST PARALLEL SECTION

- 685A.120 1. No person may act as, hold himself out as or be a surplus lines broker with respect to subjects of insurance resident, located or to be performed in this State or elsewhere unless he is licensed as such by the Commissioner pursuant to this chapter.
- 2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:
- (a) Application for a license and payment of the applicable fee for a license and a fee *established* by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305;
 - (b) Submitting the statement required pursuant to NRS 685A.127; and
 - (c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

- 3. An application for a license must be submitted to the Commissioner on a form designated and furnished by him. The application must include the social security number of the applicant.
- 4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of the applicable fee for renewal and a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.
- 5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by:
 - (a) The statement required pursuant to NRS 685A.127;
 - (b) The applicable fee for renewal;
 - (c) A penalty in an amount that is equal to 50 percent of the applicable fee for renewal; and
- (d) A fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.
 - **Sec. 75.7.** NRS 685A.120 is hereby amended to read as follows:
- SECOND PARALLEL SECTION
- 685A.120 1. No person may act as, hold himself out as or be a surplus lines broker with respect to subjects of insurance resident, located or to be performed in this State or elsewhere unless he is licensed as such by the Commissioner pursuant to this chapter.
- 2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to

be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

- (a) Application for a license and payment of the applicable fee for a license and a fee *established* by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305; and
 - (b) Passing any examination prescribed by the Commissioner on the subject of surplus lines.
- 3. Application for the license must be made to the Commissioner on forms designated and furnished by him.
- 4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed by payment of the applicable fee for renewal and a fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.
- 5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by:
 - (a) The applicable fee for renewal;
 - (b) A penalty in an amount that is equal to 50 percent of the applicable fee for renewal; and
- (c) A fee *established by the Commissioner* of *not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.".

Amend the bill as a whole by adding a new section designated sec. 76.5, following sec. 76, to read as follows:

"Sec. 76.5. Chapter 685B of NRS is hereby amended by adding thereto the provisions set forth as sections 77 and 78 of this act.".

Amend sec. 77, page 29, lines 27 and 28, by deleting:

"Chapter 685B of NRS is hereby amended by adding thereto a new section to read as follows:".

Amend the bill as a whole by deleting sec. 78 and adding a new section designated sec. 78, following sec. 77, to read as follows:

"Sec. 78. Any insurer who transacts any unauthorized insurance business as set forth in NRS 685B.030 is guilty of a category B felony and shall be punished as provided in NRS 193.130.".

Amend the bill as a whole by deleting sec. 80 and adding:

"Sec. 80. (Deleted by amendment.)".

Amend sec. 97, page 41, line 39, by deleting "debtor." and inserting:

"debtor or of the property used as security for the credit transaction.".

Amend sec. 101, page 42, line 25, after "than" by inserting:

"or equal to".

Amend sec. 101, page 42, line 32, by deleting "that date." and inserting:

"the date of death.".

Amend sec. 101, page 43, by deleting line 21 and inserting:

"8. Other types of insurance may be used if those types".

Amend sec. 104, page 45, line 6, by deleting "of:" and inserting:

"of or credit for:".

Amend sec. 104, page 45, by deleting line 14 and inserting:

"of the amount, term, exceptions, limitations and exclusions,".

Amend sec. 104, page 45, lines 33 and 34, by deleting:

"by the creditor".

Amend sec. 105, page 46, line 4, by deleting "of coverage" and inserting ", term".

Amend sec. 105, page 46, line 5, by deleting "*exclusions*;" and inserting:

"exclusions of coverage;".

Amend sec. 105, page 46, line 9, before "debtor;" by inserting:

"debtor, to a beneficiary, other than the creditor, named by the debtor or to the estate of the".

Amend sec. 105, page 46, line 21, before "delivery" by inserting "actual".

Amend sec. 108, page 47, line 40, by deleting "less" and inserting "more".

Amend sec. 109, page 48, line 9, by deleting "exceed" and inserting "differ from".

Amend sec. 112, page 48, line 29, by deleting "charge" and inserting "contract".

Amend sec. 112, page 48, line 30, by deleting "made to" and inserting "accepted by".

Amend sec. 114, page 48, line 36, by deleting "chapter;" and inserting:

"chapter and in accordance with the standards established in NRS 686B.050 and 686B.060;".

Amend sec. 121, page 50, line 42, after "drafts" by inserting:

", electronic transfers".

Amend sec. 121, page 50, line 43, by deleting "of" and inserting "[of] by".

Amend sec. 123, page 51, line 14, by deleting "a civil" and inserting:

"[a civil] an administrative".

Amend the bill as a whole by adding a new section designated sec. 123.5, following sec. 123, to read as follows:

"Sec. 123.5. NRS 692A.104 is hereby amended to read as follows:

692A.104 Before the issuance or renewal of a license as a title agent or escrow officer the applicant must pay a fee *established by the Commissioner* of *not more than* \$15 for deposit in the insurance recovery account created by NRS 679B.305.".

Amend sec. 162, page 66, line 40, by deleting "of" and inserting:

"established by the Commissioner of not more than".

Amend sec. 162, page 67, line 4, by deleting "of" and inserting:

"established by the Commissioner of not more than".

Amend sec. 162, page 67, line 10, by deleting "[\$78] \$125" and inserting "\$78".

Amend sec. 162, page 67, line 11, by deleting "[5] 15" and inserting "5".

Amend sec. 162, page 67, line 12, by deleting "[78] 125" and inserting "78".

Amend sec. 163, page 67, line 18, by deleting "of" and inserting:

"established by the Commissioner of not more than".

Amend sec. 163, page 67, line 26, by deleting "of" and inserting:

"established by the Commissioner of not more than".

Amend sec. 163, page 67, line 32, by deleting "[\$78] \$125" and inserting "\$78".

Amend sec. 163, page 67, line 33, by deleting "[5] 15" and inserting "5".

Amend sec. 163, page 67, line 34, by deleting "[78] 125" and inserting "78".

Amend sec. 165, page 67, by deleting lines 42 through 44 and inserting:

"Sec. 165. 1. This section and sections 62, 63, 65, 76.5 to 83, inclusive, 88, 89, 90, 124 to 159, inclusive, and 161 of this act become".

Amend sec. 165, page 68, by deleting line 1 and inserting:

"2. Sections 64, 66 to 71.1, inclusive, 71.5, 71.7, 72, 73, 74, 75.3, 75.5, 76, 84 to 87, inclusive, 123.5, 160, 162 and 164 of this".

Amend sec. 165, page 68, line 3, by deleting "17" and inserting "1".

Amend sec. 165, page 68, line 9, by deleting "74" and inserting:

"71.1, 71.7, 74, 75.5".

Amend sec. 165, page 68, line 20, by deleting "75" and inserting:

"71.3, 71.9, 75, 75.7".

Amend the title of the bill, fourth and fifth lines, by deleting:

"decreasing certain fees for risk retention groups;".