
SENATE BILL NO. 112—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE CONTROLLER)

FEBRUARY 22, 2005

Referred to Committee on Government Affairs

SUMMARY—Requires State Controller to apply fee for returned checks to other methods of payment that are returned or dishonored. (BDR 31-164)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to public financial administration; requiring the State Controller to apply the fee charged by certain state agencies for returned checks to other methods of payment that are returned or dishonored; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, an agency of the Executive Branch of the State
2 Government, other than the Department of Taxation, Nevada Gaming Commission
3 or State Gaming Control Board, is required to charge a person, pursuant to
4 regulations adopted by the State Controller, a fee of \$25 for each check or draft that
5 is returned because the person had insufficient money or credit or because the
6 person stopped payment on the check or draft. (NRS 353C.115) Under existing law,
7 the requirement to impose such a fee is specifically recognized in statutes
8 pertaining to individual state agencies. (NRS 360A.040, 481.079, 612.618,
9 634.135, 679B.228)
10 This bill makes the \$25 fee established by the State Controller applicable to any
11 method of payment that is returned or otherwise dishonored because the person
12 making the payment had insufficient money with the drawee or financial
13 institution, or because that person stopped payment on the method of payment.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353C.115 is hereby amended to read as follows:

353C.115 1. The State Controller shall adopt regulations establishing a fee of \$25 that an agency shall charge a person for each check or ~~{draft}~~ *other method of payment that is* returned to the agency *or otherwise dishonored upon presentation for payment* because the person had insufficient money or credit with the drawee *or financial institution* to pay the check or ~~{draft,}~~ *or other method of payment*, or because the person stopped payment on the check or ~~{draft,}~~ *other method of payment.*

2. Notwithstanding any specific statute or regulation to the contrary, an agency may only charge and collect a fee for a check or ~~{draft}~~ *other method of payment* returned to the agency *or otherwise dishonored upon presentation for payment* because the person has insufficient money or credit, or because the person stopped payment on the check or ~~{draft,}~~ *other method of payment*, in accordance with the regulations adopted by the State Controller pursuant to this section.

3. For the purposes of this section, "agency" does not include the Department of Taxation, Nevada Gaming Commission or State Gaming Control Board.

Sec. 2. NRS 353C.125 is hereby amended to read as follows:

353C.125 If, in a previous transaction between an agency and a person, a check or ~~{draft}~~ *other method of payment* was returned to the agency *or otherwise dishonored upon presentation for payment* because the person had insufficient money or credit with the drawee *or financial institution* to pay the check or ~~{draft}~~ *other method of payment* or because the person had stopped payment on the check or ~~{draft,}~~ *other method of payment*, the agency may refuse to conduct an additional transaction with the person until the debt owed in the previous transaction is paid.

Sec. 3. NRS 360A.040 is hereby amended to read as follows:

360A.040 1. If a check *or other method of payment* submitted to the Department for payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840 is *returned to the Department or otherwise* dishonored upon ~~{presentment}~~ *presentation* for payment, the Department:

(a) Shall charge an additional fee in the amount established by the State Controller pursuant to NRS 353C.115 for handling the check ~~{,}~~ *or other method of payment*; and

(b) May require that any future payments be made by cashier's check, traveler's check, money order or cash.



2. If a check *or other method of payment* is submitted to the Department for payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840 on or before the date the tax or fee is due, but is afterward *returned to the Department or otherwise* dishonored upon ~~presentation~~ *presentation* for payment, the submission of the check *or other method of payment* shall be deemed not to constitute timely payment of the tax or fee.

Sec. 4. NRS 481.079 is hereby amended to read as follows:

481.079 1. Except as otherwise provided by specific statute, all taxes, license fees and money collected by the Department must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund.

2. If a check or any other method of payment accepted by the Department in payment of such fees is *returned to the Department or otherwise* dishonored upon presentation for payment:

(a) The drawer or any other person responsible for payment of the fee is subject to a fee in the amount established by the State Controller pursuant to NRS 353C.115 in addition to any other penalties provided by law; and

(b) The Department may require that future payments from the person be made by cashier's check, money order, traveler's check or cash.

3. The Department may adjust the amount of a deposit made with the State Treasurer to the credit of the Motor Vehicle Fund for any cash shortage or overage resulting from the collection of fees.

Sec. 5. NRS 612.618 is hereby amended to read as follows:

612.618 1. If a check *or other method of payment* is tendered on or before the due date in payment of contributions but is afterward *returned to the Division or otherwise* dishonored by the financial institution on which ~~the check~~ *the check* is drawn ~~or that issued the other method of payment,~~ the check *or other method of payment* does not constitute timely payment unless the Administrator determines that *the return or* dishonor occurred because of fault on the part of the financial institution.

2. The Administrator shall charge an additional fee in the amount established by the State Controller pursuant to NRS 353C.115 for handling against a person who presents a check *or other method of payment that is* afterward *returned or otherwise* dishonored. The fee must be deposited in the Unemployment Compensation Administration Fund.

Sec. 6. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:



1	For an application for a license to practice	
2	chiropractic	\$200.00
3	For an examination for a license to practice	
4	chiropractic	200.00
5	For an application for, and the issuance of, a	
6	certificate as a chiropractor's assistant	100.00
7	For an examination for a certificate as a	
8	chiropractor's assistant.....	100.00
9	For the issuance of a license to practice	
10	chiropractic	300.00
11	For the annual renewal of a license to practice	
12	chiropractic	300.00
13	For the annual renewal of an inactive license to	
14	practice chiropractic.....	100.00
15	For the annual renewal of a certificate as a	
16	chiropractor's assistant.....	50.00
17	For the restoration to active status of an inactive	
18	license to practice chiropractic.....	300.00
19	For reinstating a license to practice chiropractic	
20	which has been suspended or revoked	500.00
21	For reinstating a certificate as a chiropractor's	
22	assistant which has been suspended pursuant to	
23	NRS 634.130.....	100.00
24	For a review of any subject on the examination	25.00
25	For the issuance of a duplicate license or for	
26	changing the name on a license	35.00
27	For written certification of licensure.....	25.00
28	For providing a list of persons who are licensed to	
29	practice chiropractic to a person who is not	
30	licensed to practice chiropractic.....	25.00
31	For providing a list of persons who were licensed	
32	to practice chiropractic following the most	
33	recent examination of the Board to a person	
34	who is not licensed to practice chiropractic.....	10.00
35	For a set of mailing labels containing the names	
36	and addresses of the persons who are licensed	
37	to practice chiropractic in this State.....	35.00
38	For providing a copy of the statutes, regulations	
39	and other rules governing the practice of	
40	chiropractic in this State to a person who is not	
41	licensed to practice chiropractic.....	25.00
42	For each page of a list of continuing education	
43	courses that have been approved by the Board.....	.50



1 For an application to a preceptor program offered
2 by the Board to graduates of chiropractic
3 schools or colleges \$35.00
4 For a review by the Board of a course offered by a
5 chiropractic school or college or a course of
6 continuing education in chiropractic..... 10.00
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8 2. In addition to the fees set forth in subsection 1, the Board
9 may charge and collect reasonable and necessary fees for any other
10 service it provides.

11 3. For a check *or other method of payment* made payable to
12 the Board *or tendered to the Board* that is *returned to the Board or*
13 *otherwise* dishonored upon presentation for payment, the Board
14 shall assess and collect a fee in the amount established by the State
15 Controller pursuant to NRS 353C.115.

16 **Sec. 7.** NRS 679B.228 is hereby amended to read as follows:
17 679B.228 The Division shall charge a person a fee in the
18 amount established by the State Controller pursuant to NRS
19 353C.115 for each check *or other method of payment that is*
20 returned to the Division *or otherwise dishonored* because the
21 person had insufficient money or credit with the drawee *or financial*
22 *institution* to pay the check *or other method of payment* or because
23 the person stopped payment on the check ~~[-]~~ *or other method of*
24 *payment.*

25 **Sec. 8.** This act becomes effective on July 1, 2005.



