Amendment No. 279

Assembly Amendment to Assembly Bill No. 472	(BDR 8-1137)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐		Adopted	☐	Lost	☐	
Concurred In	☐	Not	☐		Concurred In	☐	Not	☐	
Receded	☐	Not	☐		Receded	☐	Not	☐	

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold dashed underlining** is newly added transitory language.

BFG/KEL Date: 4/15/2009

A.B. No. 472—Revises provisions concerning the collection of credit card debt.
(BDR 8-1137)

* A AB472 279 *

ASSEMBLY BILL NO. 472–COMMITTEE ON COMMERCE AND LABOR

MARCH 18, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions concerning the collection of credit card debt. (BDR 8-1137)

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 credit cards; providing that ~~[subsequent purchasers of credit card debt may produce certain evidence to collect on the debt; requiring disclosure of certain information to collect credit card debt; requiring certain evidentiary standards to be met before entry of judgment under certain circumstances;]~~ **, in an action to collect credit card debt, a purchaser of credit card debt must include certain information in the complaint and satisfy certain evidentiary standards;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an issuer of a credit card may establish liability for credit card debt by producing a written application for the credit card signed by the cardholder or by evidence that the cardholder incurred charges and made payments on the card. (NRS 97A.160) This bill provides that ~~[such evidence may also be established by]~~ **a judgment cannot be entered in favor of** a subsequent purchaser of credit card debt who attempts to collect on the debt ~~[.]~~ **unless the purchaser establishes liability for the debt in that manner.** ~~[ ]~~ This bill also requires certain information to be disclosed in any complaint **filed by a purchaser of credit card debt in an action** to collect credit card debt **.** ~~[, including: (1) the name of the issuer of the credit card; (2) the account numbers assigned to the original account and any subsequent account; and (3) the date of the last transaction. Finally, this bill clarifies that a judgment, including a judgment by default, may not be entered without satisfying the standards of proof required in this section.]~~

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

Section 1. Chapter 97A of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[“Creditor” means an issuer or a person that subsequently]***~~

1. In an action brought to collect a credit card debt owed to a purchaser of credit card debt:

(a) The complaint must include, without limitation:

(1) The name of the issuer;

(2) The last four digits of the account number originally assigned by the issuer;

(3) All subsequent account numbers assigned to the credit card debt by all assignees of the credit card debt; and

(4) The date of the default on the credit card debt.

(b) No judgment in favor of the purchaser of credit card debt, including, without limitation, a default judgment, may be entered unless:

(1) The complaint includes the information required by paragraph (a) of subsection 1; and

(2) The purchaser of credit card debt has satisfied the standards of proof set forth in subsections 1 and 2 of NRS 97A.160.

2. As used in this section, "purchaser of credit card debt" means a person, other than a financial institution, that purchases any outstanding credit card debt.

Sec. 2. ~~[NRS 97A.010 is hereby amended to read as follows:~~

~~97A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 97A.020 to 97A.130, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 97A.160 is hereby amended to read as follows:~~

~~97A.160 1. Notwithstanding the provisions of chapter 52 of NRS, in any action brought to collect a ***credit card*** debt owed to [an issuer:] ***a creditor:***~~

~~(a) The [issuer] ***creditor*** may establish that the cardholder is contractually liable for the debt owed by submitting the written application for a credit card account submitted to the issuer by the cardholder or evidence that the cardholder incurred charges on the account and made payments thereon.~~

~~(b) The amount owed may be established by photocopies of:~~

~~(1) The periodic billing statements provided by the issuer; or~~

~~(2) Information stored by the issuer on a computer, microfilm, microfiche or optical disc which indicate the amount of the debt owed.~~

~~***(c) Any complaint filed in the action must include, without limitation:***~~

~~***(1) The name of the issuer;***~~

~~***(2) The account number originally assigned by the issuer;***~~

~~***(3) Any subsequent account number used by a creditor of such debt; and***~~

~~***(4) The date of the last transaction.***~~

~~2. The content of such records must be authenticated:~~

~~(a) Pursuant to the procedures set forth in NRS 52.450 to 52.480, inclusive; or~~

~~(b) By the submission of a written affidavit sufficient to establish:~~

~~(1) The affiant as the custodian of the written records offered as evidence;~~

~~(2) That the written records offered as evidence were made in the ordinary course of the issuer's business; and~~

~~(3) That the written records are true and correct copies of the records retained by the issuer.~~

~~3. The liability of a person other than the cardholder for the amount of any debt owed to an issuer may be established by evidence indicating that the person caused the charge to be incurred on the credit card account.~~

~~4. An issuer shall retain any record necessary to establish the existence and amount of any debt owed to the issuer for at least 24 months after the record is first published, issued or filed.~~

~~***5. No judgment, including by default, may be entered unless the standards of proof in this section have been met.]***~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2009.