

SENATE BILL NO. 110—SENATORS KIHUEN AND SEGERBLOM

FEBRUARY 12, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the Uniform Commercial Code. (BDR 8-873)

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 the Uniform Commercial Code; enacting the amendment to Article 4A of the Uniform Commercial Code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law contains Article 4A of the Uniform Commercial Code, the
2 uniform law governing certain funds transfers. Under existing law, the provisions
3 of Article 4A do not apply if any part of a funds transfer is governed by the federal
4 Electronic Fund Transfer Act of 1978, 15 U.S.C. §§ 1693 et seq. (NRS 104A.4108)
5 This bill enacts the amendment to Article 4A promulgated by the Uniform Law
6 Commission and the American Law Institute to provide that: (1) Article 4A applies
7 to a funds transfer that is a remittance transfer, as defined in the federal Electronic
8 Fund Transfer Act, if the remittance transfer is not an electronic fund transfer, as
9 defined in the federal Electronic Fund Transfer Act; and (2) the federal Electronic
10 Fund Transfer Act applies to a funds transfer to which Article 4A applies if there is
11 an inconsistency between the applicable provision of Article 4A and the federal
12 Act.

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

1 **Section 1.** NRS 104A.4108 is hereby amended to read as
2 follows:
3 104A.4108 ~~{This}~~
4 *1. Except as otherwise provided in subsection 2, this* article
5 does not apply to a funds transfer any part of which is governed by
6 the Electronic Fund Transfer Act of 1978 (Title XX, Public Law



* S B 1 1 0 *

1 95-630, 92 Stat. 3728, 15 U.S.C. §§ 1693 et seq.) as amended from
2 time to time.

3 *2. This article applies to a funds transfer that is a remittance*
4 *transfer as defined in section 919 of the Electronic Fund Transfer*
5 *Act, 15 U.S.C. § 1693o-1, as amended from time to time, unless the*
6 *remittance transfer is an electronic fund transfer as defined in*
7 *section 903 of the Electronic Fund Transfer Act, 15 U.S.C. §*
8 *1693a, as amended from time to time.*

9 *3. In a funds transfer to which this article applies, in the*
10 *event of an inconsistency between an applicable provision of this*
11 *article and an applicable provision of the Electronic Fund*
12 *Transfer Act, the provision of the Electronic Fund Transfer Act*
13 *governs to the extent of the inconsistency.*

