

Amendment No. 156

Senate Amendment to Senate Bill No. 201	(BDR 52-568)
Proposed by: Senate 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	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 201—SENATORS CANCELA, RATTI, PARKS; BROOKS, DONDERO
LOOP, OHRENSCHALL AND SPEARMAN

FEBRUARY 18, 2019

JOINT SPONSORS: ASSEMBLYMEN
FRIERSON AND YEAGER

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing loans. (BDR 52-568)

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

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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 financial services; adopting certain provisions of the federal Military Lending Act; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans, title loans and high-interest loans made to customers in this State; providing that information in such a database is confidential under certain circumstances; authorizing a person who operates a deposit loan service, title loan service or high-interest loan service to distribute certain information and materials concerning public assistance and services; **authorizing the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General to inform the public regarding certain information;** revising provisions that prohibit the making of a deposit loan or high-interest loan that exceeds or requires payments that exceed a certain percentage of the customer's expected gross monthly income; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures governing the licensing and regulation of certain short-term loans, commonly referred to as "payday loans," high-interest loans, title loans and installment loans. (Chapters 604A and 675 of NRS)

The federal Military Lending Act imposes limitations on the terms of consumer credit that is extended to members of the Armed Forces of the United States who are on active duty and their dependents, including, without limitation, a prohibition against a lender charging an interest rate greater than 36 percent. (10 U.S.C. § 987) Existing law adopts the provisions of the federal Military Lending Act by referring to the federal law creating the Act. (NRS 99.050, 604A.411, 675.292) **Sections 15 and 24** of this bill eliminate these provisions and, instead, **sections 2-7, 15 and 17-21** of this bill adopt the language of certain provisions of the

Military Lending Act, including language: (1) prohibiting a lender from charging an annual percentage rate greater than 36 percent to a covered service member or a dependent of a covered service member; (2) requiring a lender to make certain disclosures before extending certain consumer credit to a covered service member or a dependent of a covered service member; and (3) prohibiting certain additional loan terms in a transaction with a covered service member or a dependent of a covered service member. **Sections 11 and 22** of this bill require the Commissioner to adopt regulations to administer, carry out and enforce these provisions.

Section 8 of this bill requires the Commissioner of Financial Institutions to develop, implement and maintain, by contract with a vendor or service provider or otherwise, a database of all deferred deposit loans, title loans and high-interest loans in this State, for the purposes of ensuring compliance with existing law governing these types of loans. Under **section 8**, a licensee who makes such loans must report and update certain information concerning each deferred deposit loan, title loan and high-interest loan made by the licensee. **Section 8** further requires the Commissioner to establish a fee which must be charged and collected by the vendor or service provider from a licensee who is required to report the information using the database. The fee is required to be used to pay for the administration and operation of the database. Finally, **sections 8 and 16** of this bill provide that information in the database or obtained by the Commissioner from the database is confidential, except that the Commissioner may use such information for statistical purposes if the identity of a person is not discernible from the information disclosed.

Section 9 of this bill authorizes a person who operates a deferred deposit loan service, high-interest loan service or title loan service to distribute information and materials provided by the Department of Health and Human Services concerning public assistance and services provided by public agencies.

Section 9.5 of this bill authorizes the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General to use reasonable means to inform the public regarding certain requirements for persons who offer deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State.

Existing law prohibits a person who operates a deferred deposit loan service from making a deferred deposit loan that exceeds 25 percent of the expected gross monthly income of the customer when the loan is made. (NRS 604A.5017) Similarly, existing law prohibits a person who operates a high-interest loan service from making a high-interest loan which requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer. (NRS 604A.5045) **Sections 12 and 13** of this bill eliminate the ability of a person making a deferred deposit loan or high-interest loan to be deemed in compliance with these limitations if the customer receiving the loan presents evidence of his or her gross monthly income and represents in writing that the loan does not violate these limitations.

Section 23 of this bill provides that the provisions of this bill do not apply to any loan made before October 1, 2019. **Sections 10 and 14** of this bill make conforming changes.

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

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~19~~ **9.5**, inclusive, of this act.

Sec. 2. *“Consumer credit” means a loan made to a natural person to finance the purchase of goods that directly satisfy human wants or to defray personal or family expenses, not including:*

1. A residential mortgage; or

2. A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.

1 **Sec. 3.** *“Covered service member” means a member of the Armed Forces of*
2 *the United States who is:*

3 1. *On active duty under a call or order to deploy with a military unit, or as*
4 *an individual in support of a military operation, for a period of not less than 30*
5 *days; or*

6 2. *A member of the National Guard and Reserve on active duty orders.*

7 **Sec. 4.** *“Dependent” means:*

8 1. *The spouse of a covered service member;*

9 2. *A child of a covered service member who:*

10 (a) *Is less than 21 years of age;*

11 (b) *Is less than 23 years of age and is enrolled in a full-time course of study*
12 *at an institution of higher learning and is in fact dependent on the covered*
13 *service member for over one-half of the child’s support; or*

14 (c) *Is incapable of self-support because of a mental or physical incapacity*
15 *that occurred while the child was a person described by paragraph (a) or (b);*

16 3. *A parent or parent-in-law of a covered service member who is in fact*
17 *dependent on the covered service member for over one-half of his or her support*
18 *and who resides in the household of the covered service member;*

19 4. *An unmarried person who:*

20 (a) *Is placed in the legal custody of the covered service member as a result of*
21 *an order of a court of competent jurisdiction for a period of at least 12*
22 *consecutive months;*

23 (b) *Is:*

24 (1) *Less than 21 years of age;*

25 (2) *Less than 23 years of age and is enrolled in a full-time course of*
26 *study at an institution of higher learning and is in fact dependent on the covered*
27 *service member for over one-half of the person’s support; or*

28 (3) *Incapable of self-support because of a mental or physical incapacity*
29 *that occurred while the person was a person described by subparagraph (1) or*
30 *(2);*

31 (c) *Is dependent on the covered service member for over one-half of the*
32 *person’s support;*

33 (d) *Resides with the covered service member unless separated by the*
34 *necessity of military service or to receive institutional care as a result of disability*
35 *or incapacitation or under such other circumstances as the Commissioner may*
36 *prescribe; and*

37 (e) *Is not a dependent of a covered service member under subsection 1, 2 or*
38 *3.*

39 **Sec. 5.** *A licensee who makes a loan that constitutes consumer credit to a*
40 *covered service member or his or her dependent shall not charge the covered*
41 *service member or dependent an annual percentage rate with respect to the loan*
42 *except as:*

43 1. *Agreed to under the terms of the written loan agreement entered into*
44 *pursuant to NRS 604A.5012, 604A.504 or 604A.5067, as applicable;*

45 2. *Authorized by applicable state and federal law; and*

46 3. *Not specifically prohibited by NRS 99.050 and sections 6 and 7 of this*
47 *act.*

48 **Sec. 6.** 1. *Before making a loan that constitutes consumer credit to a*
49 *covered service member or a dependent of a covered service member, a licensee*
50 *shall provide the following information to the covered service member or the*
51 *dependent of a covered service member, as applicable, both orally and in writing:*

52 (a) *A statement of the annual percentage rate of interest applicable to the*
53 *loan;*

1 (b) Any disclosures required by the provisions of the Truth in Lending Act
2 and any regulations adopted pursuant thereto; and

3 (c) A clear description of the payment obligations of the covered service
4 member or dependent, as applicable.

5 2. A licensee shall present the disclosures required by subsection 1 in
6 accordance with the provisions of Regulation Z.

7 **Sec. 7.** A licensee shall not make a loan that constitutes consumer credit to
8 a covered service member or a dependent of a covered service member with
9 respect to which:

10 1. The licensee extends, rolls over, renews, repays, refinances or
11 consolidates any consumer credit extended to the customer by the same licensee
12 with the proceeds of the other consumer credit extended to the same covered
13 service member or dependent;

14 2. The customer is required to waive the customer's right to legal recourse
15 under any otherwise applicable provision of state or federal law, including,
16 without limitation, any provision of the Servicemembers Civil Relief Act, 50
17 U.S.C. §§ 3901 et seq.;

18 3. The licensee imposes onerous legal notice provisions in the case of a
19 dispute or demands unreasonable notice from the customer as a condition for
20 legal action;

21 4. The licensee uses a check or other method of access to a deposit, savings
22 or other financial account maintained by the customer, or the title of a vehicle as
23 security for the obligation;

24 5. The licensee requires as a condition for the extension of consumer credit
25 that the customer establish an allotment to repay an obligation; or

26 6. The customer is prohibited from prepaying the loan or is charged a
27 penalty or fee for prepaying all or part of the loan.

28 **Sec. 8.** 1. The Commissioner shall, by contract with a vendor or service
29 provider or otherwise, develop, implement and maintain a database by which the
30 Commissioner and licensees may obtain information related to deferred deposit
31 loans, title loans and high-interest loans made by licensees to customers in this
32 State to ensure compliance with the provisions of this chapter. The information
33 the Commissioner and licensees may obtain includes, without limitation:

34 (a) Whether a customer has a deferred deposit loan, title loan or high-
35 interest loan outstanding with more than one licensee;

36 (b) Whether a customer has had such a loan outstanding with one or more
37 licensees within the 30 days immediately preceding the making of a loan;

38 (c) Whether a customer has had a total of three or more such loans
39 outstanding with one or more licensees within the 6 months immediately
40 preceding the making of the loan; and

41 (d) Any other information necessary to determine whether a licensee has
42 complied with the provisions of this chapter.

43 2. After the development and implementation of the database created
44 pursuant to subsection 1, a licensee who makes a deferred deposit loan, title loan
45 or high-interest loan shall enter or update the following information in the
46 database for each such loan made to a customer at the time a transaction takes
47 place:

48 (a) The date on which the loan was made;

49 (b) The type of loan made;

50 (c) The principal amount of the loan;

51 (d) The fees charged for the loan;

52 (e) The annual percentage rate of the loan;

53 (f) The total finance charge associated with the loan;

(g) If the customer defaults on the loan, the date of default;

(h) If the customer enters into a repayment plan pursuant to NRS 604A.5027, 604A.5055 or 604A.5083, as applicable, the date on which the customer enters into the repayment plan; and

(i) The date on which the customer pays the loan in full.

3. The Commissioner shall establish, and cause the vendor or service provider administering the database created pursuant to subsection 1 to charge and collect, a fee for each loan entered into the database by the licensee. The money collected pursuant to this subsection must be used to pay for the operation and administration of the database.

4. Except as otherwise provided in this subsection, any information in the database created pursuant to subsection 1 is confidential and shall not be considered a public book or record pursuant to NRS 239.010. The information may be used by the Commissioner for statistical purposes if the identity of the persons is not discernible from the information disclosed.

5. The Commissioner shall adopt regulations that:

(a) Prescribe the specifications for the information entered into the database created pursuant to subsection 1;

(b) Establish standards for the retention, access, reporting, archiving and deletion of information entered into or stored by the database;

(c) Establish the amount of the fee required pursuant to subsection 3; and

(d) Are necessary for the administration of the database.

Sec. 9. A person who operates a deferred deposit loan service, high-interest loan service or title loan service may, in consultation with the Department of Health and Human Services, distribute in a location at which the person conducts business under his or her license information and materials provided by the Department concerning public assistance and services provided by an agency or political subdivision of this State or the United States, including, without limitation, programs for debt reduction or relief, Medicaid, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families.

Sec. 9.5. 1. To the extent of available funding, the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General may use reasonable means to inform the public that, pursuant to NRS 604A.579, 604A.589 and 604A.598, a person who offers deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State must be licensed to perform such services pursuant to this chapter and must comply with any state or federal law or regulation applicable to this State.

2. As used in this section, "reasonable means" includes, without limitation, advertising through any medium, including, without limitation, radio, television, Internet, banner ads, social media, public service announcements, community education, publishing and such other means of distributing information as are reasonably calculated to inform the public of the information set forth in subsection 1.

Sec. 10. NRS 604A.010 is hereby amended to read as follows:

604A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, **and sections 2, 3 and 4 of this act** have the meanings ascribed to them in those sections.

Sec. 11. NRS 604A.300 is hereby amended to read as follows:

604A.300 1. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

2. The Commissioner shall adopt ~~any~~:

1 (a) *Regulations to administer, carry out and enforce the provisions of*
2 *sections 5, 6 and 7 of this act.*

3 (b) Any other regulations as are necessary to carry out the provisions of this
4 chapter.

5 **Sec. 12.** NRS 604A.5017 is hereby amended to read as follows:

6 604A.5017 ~~{1-}~~ A licensee who operates a deferred deposit loan service
7 shall not make a deferred deposit loan that exceeds 25 percent of the expected gross
8 monthly income of the customer when the loan is made.

9 ~~{2—A licensee who operates a deferred deposit loan service is not in violation~~
10 ~~of the provisions of this section if the customer presents evidence of his or her gross~~
11 ~~monthly income to the licensee and represents to the licensee in writing that the~~
12 ~~deferred deposit loan does not exceed 25 percent of the customer's expected gross~~
13 ~~monthly income when the loan is made.}~~

14 **Sec. 13.** NRS 604A.5045 is hereby amended to read as follows:

15 604A.5045 ~~{1-}~~ A licensee who operates a high-interest loan service shall
16 not make a high-interest loan which, under the terms of the loan agreement,
17 requires any monthly payment that exceeds 25 percent of the expected gross
18 monthly income of the customer.

19 ~~{2—A licensee who operates a high interest loan service is not in violation of~~
20 ~~the provisions of this section if the customer presents evidence of his or her gross~~
21 ~~monthly income to the licensee and represents to the licensee in writing that the~~
22 ~~monthly payment required under the terms of the loan agreement for the high-~~
23 ~~interest loan does not exceed 25 percent of the customer's expected gross monthly~~
24 ~~income.}~~

25 **Sec. 14.** NRS 604A.930 is hereby amended to read as follows:

26 604A.930 1. Subject to the affirmative defense set forth in subsection 3, in
27 addition to any other remedy or penalty, if a person violates any provision of NRS
28 604A.400, ~~{604A.411,}~~ 604A.5011 to 604A.5034, inclusive, and 604A.5038 to
29 604A.5094, inclusive, 604A.610, 604A.615, 604A.650, ~~{or}~~ 604A.655 *or section*
30 *5, 6 or 7 of this act* or any regulation adopted pursuant thereto, the customer may
31 bring a civil action against the person for:

- 32 (a) Actual and consequential damages;
33 (b) Punitive damages, which are subject to the provisions of NRS 42.005;
34 (c) Reasonable attorney's fees and costs; and
35 (d) Any other legal or equitable relief that the court deems appropriate.

36 2. Subject to the affirmative defense set forth in subsection 3, in addition to
37 any other remedy or penalty, the customer may bring a civil action against a person
38 pursuant to subsection 1 to recover an additional amount, as statutory damages,
39 which is equal to \$1,000 for each violation if the person knowingly:

40 (a) Operates a check-cashing service, deferred deposit loan service, high-
41 interest loan service or title loan service without a license, in violation of NRS
42 604A.400;

43 (b) Fails to include in a loan agreement a disclosure of the right of the
44 customer to rescind the loan, in violation of NRS 604A.5012, 604A.504 or
45 604A.5067, as applicable;

46 (c) Violates any provision of NRS 604A.5015, 604A.5043, 604A.507 or
47 604A.509, as applicable;

48 (d) Accepts collateral or security for a deferred deposit loan, in violation of
49 NRS 604A.502, except that a check or written authorization for an electronic
50 transfer of money shall not be deemed to be collateral or security for a deferred
51 deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.5021, 604A.5049 or 604A.5072, as applicable;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.5021, 604A.5049, 604A.5072 or 604A.5092, as applicable;

(g) Violates any provision of NRS 604A.503, 604A.5058 or 604A.5085, as applicable;

(h) Violates any provision of NRS 604A.5031, 604A.5061, 604A.5086 or 604A.5094, as applicable; or

(i) Violates any provision of ~~NRS 604A.411~~ *section 5, 6 or 7 of this act.*

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 15. NRS 99.050 is hereby amended to read as follows:

99.050 *1. Except as otherwise provided in ~~section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto,~~ subsection 2*, parties may agree for the payment of any rate of interest on money due or to become due on any contract, for the compounding of interest if they choose, and for any other charges or fees. The parties shall specify in writing the rate upon which they agree, that interest is to be compounded if so agreed, and any other charges or fees to which they have agreed.

2. A creditor shall not charge an annual percentage rate of greater than 36 percent with respect to the consumer credit extended to a covered service member or a dependent of a covered service member. Any contract or agreement in violation of this subsection is void and unenforceable.

3. As used in this section:

(a) "Annual percentage rate" has the meaning ascribed to it in the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq., and the federal regulations adopted pursuant thereto.

(b) "Consumer credit" has the meaning ascribed to it in section 2 of this act.

(c) "Covered service member" has the meaning ascribed to it in section 3 of this act.

(d) "Dependent" has the meaning ascribed to it in section 4 of this act.

Sec. 16. NRS 239.010 is hereby amended to read as follows:

239.010 *1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156,*

1 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,
2 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
3 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
4 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130,
5 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
6 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
7 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039,
8 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140,
9 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.585,
10 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110,
11 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
12 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110,
13 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725,
14 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
15 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138,
16 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008,
17 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
18 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925,
19 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
20 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,
21 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
22 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,
23 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,
24 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420,
25 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665,
26 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,
27 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,
28 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,
29 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
30 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,
31 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
32 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,
33 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
34 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
35 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
36 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158,
37 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
38 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760,
39 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
40 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,
41 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
42 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
43 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,
44 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.540,
45 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,
46 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
47 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
48 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,
49 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,
50 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725,
51 706A.230, 710.159, 711.600, *and section 8 of this act*, sections 35, 38 and 41 of
52 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
53 Nevada 2013 and unless otherwise declared by law to be confidential, all public

books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 17. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 18, 19 and 20 of this act.

Sec. 18. *A licensee who makes a loan under this chapter that constitutes consumer credit to a covered service member or his or her dependent shall not charge the covered service member or dependent an annual percentage rate with respect to the loan except as:*

1. Agreed to under the terms of the loan agreement;

2. Authorized by applicable state and federal law; and

3. Not specifically prohibited by NRS 99.050 and sections 19 and 20 of this act.

Sec. 19. *1. Before making a loan under this chapter that constitutes consumer credit to a covered service member or a dependent of a covered service member, a licensee shall provide the following information to the covered service member or the dependent of a covered service member, as applicable, both orally and in writing:*

(a) A statement of the annual percentage rate applicable to the loan;

(b) Any disclosures required by the provisions of the Truth in Lending Act and any regulations adopted pursuant thereto; and

(c) A clear description of the payment obligations of the covered service member or dependent, as applicable.

2. A licensee shall present the disclosures required by subsection 1 in accordance with the provisions of Regulation Z.

3. As used in this section:

(a) "Regulation Z" has the meaning ascribed to it in NRS 604A.090.

(b) "Truth in Lending Act" has the meaning ascribed to it in NRS 604A.120.

1 **Sec. 20.** *A licensee shall not make a loan under this chapter that*
2 *constitutes consumer credit to a covered service member or a dependent of a*
3 *covered service member with respect to which:*

4 1. ~~*The licensee extends, rolls over, renews, repays, refinances or*~~
5 ~~*consolidates any consumer credit extended to the borrower by the same licensee*~~
6 ~~*with the proceeds of the other consumer credit extended to the same covered*~~
7 ~~*service member or dependent.*~~

8 ~~2.~~ *The borrower is required to waive the borrower's right to legal recourse*
9 *under any otherwise applicable provision of state or federal law, including,*
10 *without limitation, any provision of the Servicemembers Civil Relief Act, 50*
11 *U.S.C. §§ 3901 et seq.;*

12 ~~3.~~ *2.* *The licensee imposes onerous legal notice provisions in the case of a*
13 *dispute or demands unreasonable notice from the borrower as a condition for*
14 *legal action;*

15 ~~4.~~ *3.* *The licensee uses a check or other method of access to a deposit,*
16 *savings or other financial account maintained by the borrower, or the title of a*
17 *vehicle as security for the obligation;*

18 ~~5.~~ *4.* *The licensee requires as a condition for the extension of consumer*
19 *credit that the borrower establish an allotment to repay an obligation; or*

20 ~~6.~~ *5.* *The borrower is prohibited from prepaying the loan or is charged a*
21 *penalty or fee for prepaying all or part of the loan.*

22 **Sec. 21.** NRS 675.020 is hereby amended to read as follows:

23 675.020 As used in this chapter, unless the context otherwise requires:

24 1. "Amount of cash advance" means the amount of cash or its equivalent
25 actually received by a borrower or paid out at his or her direction or on his or her
26 behalf.

27 2. "Amount of loan obligation" means the amount of cash advance plus the
28 aggregate of charges added thereto pursuant to authority of this chapter.

29 3. "Commissioner" means the Commissioner of Financial Institutions.

30 4. "Community" means a contiguous area of the same economic unit or
31 metropolitan area as determined by the Commissioner, and may include all or part
32 of a city or several towns or cities.

33 5. *"Consumer credit" has the meaning ascribed to it in section 2 of this act.*

34 6. *"Covered service member" has the meaning ascribed to it in section 3 of*
35 *this act.*

36 7. *"Dependent" has the meaning ascribed to it in section 4 of this act.*

37 8. "License" means a license, issued under the authority of this chapter, to
38 make loans in accordance with the provisions of this chapter, at a single place of
39 business.

40 ~~6.~~ 9. "Licensee" means a person to whom one or more licenses have been
41 issued.

42 **Sec. 22.** NRS 675.170 is hereby amended to read as follows:

43 675.170 1. The Commissioner ~~may~~

44 (a) *May* adopt regulations and make orders for the administration and
45 enforcement of this chapter, in addition hereto and not inconsistent herewith.

46 (b) *Shall adopt regulations to administer, carry out and enforce the*
47 *provisions of sections 18, 19 and 20 of this act.*

48 2. Every regulation must be promulgated by an order, and any ruling,
49 demand, requirement or similar administrative act may be promulgated by an order.

50 3. Every order must be in writing, must state its effective date and the date of
51 its promulgation, and must be entered in an indexed permanent book which is a
52 public record.

1 4. A copy of every order promulgating a regulation and of every other order
2 containing a requirement of general application must be mailed to each licensee at
3 least 20 days before the effective date thereof.

4 **Sec. 23.** The amendatory provisions of this act do not apply to any contract
5 or agreement for the extension of credit entered into before October 1, 2019, and
6 any such contract or agreement remains in effect in accordance with the provisions
7 of the contract or agreement.

8 **Sec. 24.** NRS 604A.411 and 675.292 are hereby repealed.

9 **Sec. 25.** This act becomes effective:

10 1. Upon passage and approval for the purpose of adopting any regulations and
11 performing any other preparatory administrative tasks that are necessary to carry
12 out the provisions of this act; and

13 2. On October 1, 2019, for all other purposes.

TEXT OF REPEALED SECTIONS

604A.411 Violation of provision of federal Warner Act constitutes violation of chapter. Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

675.292 Violation of federal law constitutes violation of chapter. Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.