

SENATE BILL NO. 161—SENATOR KIECKHEFER

FEBRUARY 14, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to certain financial businesses, products and services. (BDR 52-875)

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 businesses; requiring the Director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation; setting forth the requirements for the operation of the Program; providing for a temporary exemption from certain statutory and regulatory requirements related to financial products and services for a participant in the Program under certain circumstances; requiring the Director to submit to the Legislature an annual report on the Program; revising provisions relating to persons who make loans exclusively via the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing provisions of chapters 645A, 645B, 645F and 645G of NRS, titles 55 and 56 of NRS and the various regulations adopted pursuant to those statutes impose licensing and other regulatory requirements on the provision of certain financial products and services, ranging from consumer lending to banking and debt counseling. This bill, modeled after similar legislation from Arizona, generally provides for the establishment and administration of a program by the Director of the Department of Business and Industry under which persons offering or providing such a product or service in a technically innovative way may seek a temporary exemption from some or all of the statutory and regulatory provisions that otherwise apply to the product or service. (Ariz. Rev. Stat. Ann. §§ 41-5601 et seq.) At the end of the period of exemption, a participant in the program must cease to provide the product or service or continue operations in accordance with applicable licensing and other requirements.

Section 11 of this bill requires the Director to establish and administer the Regulatory Experimentation Program for Product Innovation. A person who desires to become a participant in the Program is required by **section 12** of this bill to



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submit an application to the Director. If the Director approves the application, **section 15** of this bill provides that the product or service of the participant is generally exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant to any of those statutes, except as the Director may otherwise require.

Sections 16 and 17 of this bill establish requirements and limitations on the provisions of a product or service under the Program. **Section 16** of this bill limits the number of consumers in this State to whom a product or service may be provided by a participant, while **section 17** of this bill imposes certain specific requirements and limitations applicable to participants who are transmitters of money. **Section 19** of this bill authorizes the Director to grant relief from some of these requirements and limitations under certain circumstances.

Sections 20-24 of this bill govern the operation of the Program. **Section 20** of this bill sets forth certain disclosures that must be made before a product or service is provided to a recipient of the product or service. **Section 21** of this bill requires the Director to establish a system for the submission of complaints. **Sections 22 and 23** of this bill contain provisions relating to recordkeeping and the confidentiality of records relating to the Program.

Pursuant to **sections 25 and 26** of this bill, the period of participation in the Program is generally limited to 2 years, at which time a participant must cease to offer or provide a product or service under the Program. A participant may seek an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Section 27 of this bill authorizes the Director to act to enjoin or otherwise prevent any violation of the provisions governing the Program. **Section 30** of this bill: (1) requires the Director, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, to adopt certain regulations for the protection of consumers of financial products or services through the Program; and (2) authorizes the Director to adopt any other regulations necessary to carry out the Program. **Section 31** of this bill requires the Director to report annually to the Legislature on the status of the Program. **Sections 32-42, 43 and 44-47** of this bill make conforming changes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner of Financial Institutions for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Under existing law, a person who wishes to obtain a license for an office or place of business located outside of this State is required, among other requirements, to have a license for an office or place of business located inside this State. (NRS 675.090) **Section 43.3** of this bill authorizes persons who make loans exclusively via the Internet, who are designated by **section 42.5** of this act as "Internet lenders," to apply for a license to engage in the business of lending for an office or place of business located outside of this State without having a license for an office or place of business located inside this State. **Section 43.7** exempts Internet lenders from provisions of existing law which prohibit persons from conducting the business of making loans in the same office or place of business as any other business. (NRS 675.230)



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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *As used in sections 2 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Applicable regulator” means an official or agency of this State, as identified by the Director, responsible for regulating a financial product or service.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *“Consumer” means any person who purchases or otherwise enters into a transaction or agreement to receive a financial product or service.*

Sec. 5.5. *“Director” means the Director of the Department of Business and Industry.*

Sec. 6. *“Financial product or service” or “product or service” means any product, service, activity, business model, mechanism for delivery or element of any of these that:*

1. Includes an innovation; and

2. But for the provisions of sections 2 to 31, inclusive, of this act, is governed by the provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.

Sec. 7. *“Innovation” means any use of a new or emerging technology, or any novel use of an existing technology, to address a problem, provide a benefit or otherwise offer or provide a financial product or service that is determined by the Director not to be widely available in this State.*

Sec. 8. *“Participant” means a person whose application to participate in the Program has been approved by the Director pursuant to section 14 of this act.*

Sec. 9. *“Program” means the Regulatory Experimentation Program for Product Innovation established and administered by the Director pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 10. *“Test” means to offer or provide a financial product or service through the Program.*

Sec. 11. *In consultation with each applicable regulator, the Director shall establish and administer the Regulatory Experimentation Program for Product Innovation to enable a person to obtain limited access to markets in this State to test a financial product or service without:*



1 1. Applying for or obtaining any license or other
2 authorization otherwise required by any provision of chapter
3 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any
4 regulation adopted pursuant thereto; or

5 2. Otherwise complying with any provision of chapter 645A,
6 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any
7 regulation adopted pursuant thereto, except as otherwise required
8 by the Director pursuant to section 15 of this act.

9 **Sec. 12.** 1. A person who desires to participate in the
10 Program to test a financial product or service must submit a
11 written application in accordance with this section, in the form
12 prescribed by the Director. A separate application must be filed for
13 each product or service proposed for testing.

14 2. The application must show that the applicant will at all
15 times during the test:

16 (a) Be subject to the exercise of personal jurisdiction by the
17 courts of this State; and

18 (b) Establish and maintain a physical or virtual location that is
19 reasonably accessible to the Director, from which testing will
20 occur and at which all records, documents and data required by
21 sections 2 to 31, inclusive, of this act will be maintained.

22 3. The application must include:

23 (a) A description of the product or service proposed for testing
24 and an explanation of:

25 (1) The innovation included in the product or service;

26 (2) The regulatory scheme otherwise applicable to the
27 product or service outside the Program;

28 (3) Any benefit of the product or service to consumers;

29 (4) Any risk of financial loss or other harm to consumers
30 associated with the product or service;

31 (5) The nature or features of the product or service that
32 distinguish it from any similar product or service available in this
33 State; and

34 (6) The manner in which participation in the Program will
35 facilitate a successful test of the product or service;

36 (b) A statement of the proposed plan for testing the product or
37 service, including:

38 (1) An estimate of the dates or periods of time anticipated
39 for entry into and exit from the relevant market in this State;

40 (2) Measures to protect consumers from financial loss or
41 other harm caused by a failure of the test; and

42 (3) The plan to wind up and terminate the test;

43 (c) The full legal name, address, telephone number, electronic
44 mail address and website address of the applicant and, if the



1 applicant is not a natural person, each officer, director or other
2 principal of the applicant;

3 (d) A description of any criminal conviction and any final
4 administrative suspension, revocation or termination of a
5 professional or occupational license of the applicant and any
6 other person described in paragraph (c) if such a conviction or
7 suspension, revocation or termination occurred in this State or
8 another jurisdiction within the 5 years immediately preceding the
9 date of the application;

10 (e) The consent of the applicant to the provisions for choice of
11 law and provisions for the selection of a forum as prescribed by
12 the Director; and

13 (f) Any other information deemed necessary by the Director.

14 4. The application must be submitted to the Director and be
15 accompanied by a nonrefundable fee of not more than \$1,000. The
16 Director shall account separately for the money received from fees
17 collected pursuant to this section and use that money solely to pay
18 the expenses of administering the Program.

19 **Sec. 13. 1.** The Director may refuse to consider any
20 application submitted pursuant to section 12 of this act if the
21 application does not include the information required by section
22 12 of this act or any other information deemed necessary by the
23 Director. The applicant shall provide, within the period directed by
24 the Director, any additional information required in connection
25 with the application. If the required information is not provided,
26 the application may be denied by the Director as incomplete.

27 2. Upon receipt of a completed application and payment of
28 the required fee, the Director shall identify and consult with each
29 applicable regulator having an interest in the subject of the
30 application. The consultation is advisory only and not binding on
31 the Director. The consultation may relate to any matter deemed by
32 the Director to be relevant to the application, including, without
33 limitation:

34 (a) Any license or other authorization previously issued by the
35 applicable regulator, or the corresponding regulator in another
36 jurisdiction, to the applicant or any other person described in
37 paragraph (c) of subsection 3 of section 12 of this act;

38 (b) Any criminal, civil, administrative or other proceeding
39 previously brought by or on behalf of the applicable regulator, or
40 the corresponding regulator in any other jurisdiction, against the
41 applicant or any other person described in paragraph (c) of
42 subsection 3 of section 12 of this act; and

43 (c) The ability of the applicant or any other person described
44 in paragraph (c) of subsection 3 of section 12 of this act to qualify



1 *for a license or other authorization from the applicable regulator*
2 *upon the completion of testing.*

3 3. *Unless the Director and the applicant mutually agree to*
4 *extend this period, the Director shall approve or deny an*
5 *application within 90 days after the completed application is*
6 *received.*

7 **Sec. 14.** 1. *Except as otherwise provided in this subsection,*
8 *the Director may approve or deny any application or request*
9 *submitted pursuant to sections 2 to 31, inclusive, of this act. The*
10 *Director may not approve an application or request if provision of*
11 *the relevant financial product or service to consumers in this State*
12 *would exceed the applicable limitation provided by subsection 2 or*
13 *3 of section 16 of this act.*

14 2. *The Director shall give the applicant or participant written*
15 *notice of the approval or denial of the application or request*
16 *within 5 business days after the date of approval or denial.*

17 3. *The approval or denial of an application or request is final*
18 *and not subject to administrative or judicial review.*

19 **Sec. 15.** 1. *If the Director approves an application to*
20 *participate in the Program:*

21 (a) *The applicant shall be deemed a participant.*

22 (b) *The Director shall issue a registration number unique to*
23 *the approval.*

24 (c) *Except as otherwise required by the Director pursuant to*
25 *subsection 2, a product or service offered or provided within the*
26 *scope of the Program is exempt from any provision of chapter*
27 *645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any*
28 *regulation adopted pursuant thereto.*

29 2. *In addition to any other requirements or limitations of*
30 *section 16 or 17 of this act that apply to a product or service, the*
31 *Director may condition approval of an application upon*
32 *compliance by the participant with one or more provisions of*
33 *chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS*
34 *or any regulation adopted pursuant thereto.*

35 3. *A notice of approval of an application given pursuant to*
36 *section 14 of this act must be accompanied by a copy of the*
37 *provisions of sections 2 to 31, inclusive, of this act and any*
38 *applicable regulations of the Director then in effect, and set forth:*

39 (a) *The registration number applicable to the approval;*

40 (b) *The period of testing prescribed by section 25 of this act;*

41 (c) *The general limitations of section 16 of this act, any*
42 *additional requirements or limitations applicable specifically to*
43 *the product or service pursuant to section 17 of this act and any*
44 *conditions imposed pursuant to subsection 2; and*



(d) Any additional information required by the Director to be disclosed to consumers pursuant to subsection 2 of section 20 of this act.

Sec. 16. Any financial product or service provided within the scope of the Program is subject to the following requirements and limitations:

1. Any consumer of the product or service must be a resident of this State on the date that the product or service is first provided to the consumer.

2. Except as otherwise provided in subsection 3, not more than 5,000 consumers may be provided a given product or service by a participant during the period of testing.

3. If the Director approves a request for relief by a participant pursuant to section 19 of this act, not more than 7,500 consumers may be provided a given product or service by the participant during the period of testing.

Sec. 17. 1. Except as otherwise provided in subsection 2, in addition to complying with any other applicable requirements and limitations, a participant who is testing a financial product or service within the scope of the Program for which a license is otherwise required pursuant to chapter 671 of NRS shall not receive for transmission or transmit during the period of testing:

(a) More than \$2,500 in any single transaction for a consumer.

(b) More than \$25,000 in any series of transactions for a consumer.

2. If the Director approves a request for relief by a participant pursuant to section 19 of this act, the participant shall not receive for transmission or transmit during the period of testing:

(a) More than \$15,000 in any single transaction for a consumer.

(b) More than \$50,000 in any series of transactions for a consumer.

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. At any time during the period of testing a financial product or service, a participant may submit to the Director a written request for relief from the limitations of subsection 2 of section 16 of this act or subsection 1 of section 17 of this act, or both, as they otherwise apply to the participant.

2. In accordance with any regulations adopted pursuant to section 30 of this act, the Director may:

(a) Approve a request for relief if the Director determines that the participant has adequate capitalization and satisfactory procedures and processes in place for the oversight of its operations and the management of risk.



(b) Rescind or modify at any time his or her approval of a request for relief.

3. The approval, denial, rescission or modification of approval of a request for relief is final and not subject to administrative or judicial review.

Sec. 20. 1. Before providing any financial product or service to a consumer, a participant shall disclose to the consumer:

(a) The name and contact information of the participant;

(b) The registration number applicable to the product or service, as issued by the Director pursuant to section 15 of this act;

(c) The fact that the product or service is generally exempt from any provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 of this act;

(d) If applicable, the fact that the participant is not the holder of a license or other authorization in this State to provide any product or service outside the scope of the Program;

(e) The fact that the participant has been approved to provide the product or service pursuant to sections 2 to 31, inclusive, of this act, but that the product or service is not endorsed or recommended by the Director or any governmental agency;

(f) The fact that the product or service is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end; and

(g) The fact that the consumer may submit a complaint to the Director relating to the product or service, with the telephone number and Internet address of the Internet website maintained by the Director pursuant to section 21 of this act.

2. The Director may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a product or service in addition to the disclosures required by subsection 1. The Director shall give written notice to the participant of any additional disclosures required pursuant to this subsection.

3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If a product or service is provided through an Internet website or mobile application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.

Sec. 21. The Director shall establish and maintain a toll-free telephone number and Internet website through which a consumer



1 *may submit a complaint relating to any financial product or*
2 *service provided by a participant.*

3 **Sec. 22. 1. The Director may establish by regulation**
4 ***periodic reporting requirements for participants in the Program.***

5 **2. On request by the Director, a participant shall make any**
6 ***requested record, information or data available for inspection and***
7 ***copying by the Director.***

8 **3. Each participant shall retain, for not less than 2 years after**
9 ***the end of the prescribed period of testing or for such longer***
10 ***period as the Director requires by order or regulation, all records***
11 ***and data produced in the ordinary course of business relating to a***
12 ***financial product or service tested in the Program.***

13 **4. If a product or service fails before the end of the period of**
14 ***testing, the participant shall:***

15 ***(a) Give written notice of the failure to the Director.***

16 ***(b) Include in the notice a description of any action taken by***
17 ***the participant to protect consumers from financial loss or other***
18 ***harm caused by the failure.***

19 **5. In addition to providing any other disclosure or notice of**
20 ***the unauthorized acquisition of computerized data required by any***
21 ***applicable statute or regulation, a participant shall promptly notify***
22 ***the Director of any unauthorized acquisition of computerized data***
23 ***constituting a breach of the security of the system data as that***
24 ***term is defined in NRS 603A.020.***

25 **Sec. 23. 1. Any record or information in a record submitted**
26 ***to or obtained by the Director or an applicable regulator pursuant***
27 ***to sections 2 to 31, inclusive, of this act:***

28 ***(a) Except as otherwise provided in this section, is confidential***
29 ***and not a public book or record within the meaning of***
30 ***NRS 239.010.***

31 ***(b) May be disclosed by the Director or an applicable regulator***
32 ***to:***

33 ***(1) Any governmental agency or official; or***

34 ***(2) A federal, state or county grand jury in response to a***
35 ***lawful subpoena.***

36 **2. Any disclosure pursuant to subsection 1 of a complaint**
37 ***relating to a financial product or service or the results of an***
38 ***examination, inquiry or investigation relating to a participant or***
39 ***product or service does not make the relevant record or***
40 ***information in a record a public record within the meaning of***
41 ***NRS 239.010, and a participant shall not disclose any such record***
42 ***or information to the general public except in connection with any***
43 ***disclosure required by law. A participant shall not disclose, use or***
44 ***refer to any comments, conclusions or results of an examination,***



inquiry or investigation in any communication to a consumer or potential consumer.

3. The Director and any applicable regulator are immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 31, inclusive, of this act.

4. Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.

Sec. 24. *Any information, writing, signature, record or disclosure required by the provisions of sections 2 to 31, inclusive, of this act or any regulation adopted pursuant thereto, may:*

1. Be obtained, recorded, provided or maintained by a participant in electronic form.

2. With the approval of the Director, be substituted by a participant with any substantially equivalent information, writing, signature, record or disclosure.

Sec. 25. *Unless a timely request for an extension of the period of testing is made and approved pursuant to section 26 of this act:*

1. The period of testing for a financial product or service ends 2 years after the date of the notice given pursuant to section 14 of this act.

2. Except as otherwise provided in this subsection, the participant shall, within 60 days after the end of the period of testing, wind down the test and cease offering or providing the product or service. If the product or service entails the performance of any ongoing duty or function, such as the servicing of a loan, the participant shall continue to perform or contract with another person for the continued performance of the duty or function.

Sec. 26. *1. A participant may request an extension of the period of testing to apply for any license or other authorization required for the financial product or service by any statute or regulation of this State. A participant who desires such an extension must submit a written request to the Director not less than 30 days before the end of the period of testing.*

2. The Director shall:

(a) Approve or deny the requested extension before the end of the prescribed period of testing; and

(b) Give written notice of the approval or denial as provided in section 14 of this act.



3. Only one extension of the period of testing may be granted pursuant to this section. Any such extension must not exceed 1 year in duration.

4. A participant who obtains an extension shall report periodically to the Director, in writing, on the status of the efforts of the participant to obtain a license or other authorization. The first such report must be submitted within 90 days after the date of the notice described in subsection 2, and subsequent reports must be submitted at intervals of not more than 90 days until the application of the participant for a license or other authorization is finally approved or finally denied by the applicable regulator.

Sec. 27. 1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 31, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Director may:

(a) Request that the Attorney General bring an action in any court of competent jurisdiction to enjoin the violation;

(b) Remove the participant from the Program or order the participant to exit the Program; or

(c) Take any combination of those actions.

2. A removal of or compelled exit of a participant from the Program is final and not subject to administrative or judicial review.

Sec. 28. 1. Nothing contained in sections 2 to 31, inclusive, of this act shall be deemed to prohibit a participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or authorization.

2. The Director may enter into an agreement with any governmental agency or official of any other jurisdiction to authorize:

(a) A participant to operate in such a jurisdiction; or

(b) A person who is authorized to operate in such a jurisdiction to be a participant.

Sec. 29. For the purposes of any federal statute or regulation requiring a participant to hold a license or other authorization from this State in connection with a financial product or service, a participant shall be deemed to hold such a license or other authorization.

Sec. 30. 1. The Director shall, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, adopt regulations that establish protections for consumers of financial products or services provided through the Program.



2. The Director may adopt such other regulations as he or she deems necessary to carry out the provisions of sections 2 to 31, inclusive, of this act.

Sec. 31. 1. On or before March 1 of each year, the Director of the Department of Business and Industry shall prepare and submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and status of the Program.

2. The report must include, for the immediately preceding calendar year:

(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;

(b) With respect to the applications that were denied, a description of the reasons for denial; and

(c) With respect to the applications that were approved:

(1) A description of each financial product or service provided by each participant in the Program;

(2) A statement of the number of participants providing each product or service; and

(3) An estimate of the number of consumers using each product or service.

3. The report may include any recommendations for legislation relating to the Program and any other information that the Director of the Department of Business and Industry deems relevant.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. 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, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,



1 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
2 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
3 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
4 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
5 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
6 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
7 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
8 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
9 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
10 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
11 289.025, 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,
13 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
14 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
15 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
16 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
17 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
18 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
19 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
20 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
21 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
22 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
23 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
24 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
25 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
26 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
27 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
28 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
29 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
30 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
31 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
32 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
33 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
34 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
35 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
36 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
37 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
38 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
39 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
40 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
41 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
42 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
43 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
44 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
45 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,



1 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
2 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
3 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
4 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
5 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
6 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
7 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
8 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
9 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
10 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
11 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
12 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
13 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
14 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 23*
15 *of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
16 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
17 and unless otherwise declared by law to be confidential, all public
18 books and public records of a governmental entity must be open at
19 all times during office hours to inspection by any person, and may
20 be fully copied or an abstract or memorandum may be prepared
21 from those public books and public records. Any such copies,
22 abstracts or memoranda may be used to supply the general public
23 with copies, abstracts or memoranda of the records or may be used
24 in any other way to the advantage of the governmental entity or of
25 the general public. This section does not supersede or in any manner
26 affect the federal laws governing copyrights or enlarge, diminish or
27 affect in any other manner the rights of a person in any written book
28 or record which is copyrighted pursuant to federal law.

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

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

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

43 (a) Shall not refuse to provide a copy of that public record in a
44 readily available medium because the officer, employee or agent has



1 already prepared or would prefer to provide the copy in a different
2 medium.

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

7 **Sec. 36.** (Deleted by amendment.)

8 **Sec. 37.** Chapter 645A of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 *Except as otherwise required by the Director of the Department*
11 *of Business and Industry pursuant to section 15 of this act, the*
12 *provisions of this chapter do not apply to a participant in the*
13 *Regulatory Experimentation Program for Product Innovation*
14 *established and administered pursuant to sections 2 to 31,*
15 *inclusive, of this act.*

16 **Sec. 38.** NRS 645B.015 is hereby amended to read as follows:

17 645B.015 Except as otherwise provided in NRS 645B.016, the
18 Secure and Fair Enforcement for Mortgage Licensing Act of 2008,
19 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant
20 thereto and other applicable law, the provisions of this chapter do
21 not apply to:

22 1. Any person doing business under the laws of this State, any
23 other state or the United States relating to banks, savings banks,
24 trust companies, savings and loan associations, industrial loan
25 companies, credit unions, thrift companies or insurance companies,
26 including, without limitation, a subsidiary or a holding company of
27 such a bank, company, association or union.

28 2. A real estate investment trust, as defined in 26 U.S.C. § 856,
29 unless the business conducted in this State is not subject to
30 supervision by the regulatory authority of the other jurisdiction, in
31 which case licensing pursuant to this chapter is required.

32 3. An employee benefit plan, as defined in 29 U.S.C. §
33 1002(3), if the loan is made directly from money in the plan by the
34 plan's trustee.

35 4. An attorney at law rendering services in the performance of
36 his or her duties as an attorney at law.

37 5. A real estate broker rendering services in the performance of
38 his or her duties as a real estate broker.

39 6. Any person doing any act under an order of any court.

40 7. Any one natural person, or married couple, who provides
41 money for investment in commercial loans secured by a lien on real
42 property, on his or her own account, unless such a person makes a
43 loan secured by a lien on real property using his or her own money
44 and assigns all or a part of his or her interest in the loan to another
45 person, other than his or her spouse or child, within 3 years after the



1 date on which the loan is made or the deed of trust is recorded,
2 whichever occurs later.

3 8. A natural person who only offers or negotiates terms of a
4 residential mortgage loan:

5 (a) With or on behalf of an immediate family member of the
6 person;

7 (b) Secured by a dwelling that served as the person's residence;
8 or

9 (c) If:

10 (1) The residential mortgage loan is for a manufactured
11 home, as defined in NRS 118B.015;

12 (2) The residential mortgage loan is financed by the seller;
13 and

14 (3) The seller has not engaged in more than five such loans
15 in this State during the immediately preceding 12 consecutive
16 months.

17 9. Agencies of the United States and of this State and its
18 political subdivisions, including the Public Employees' Retirement
19 System.

20 10. A seller of real property who offers credit secured by a
21 mortgage of the property sold.

22 11. A nonprofit agency or organization:

23 (a) Which provides self-help housing for a borrower who has
24 provided part of the labor to construct the dwelling securing the
25 borrower's loan;

26 (b) Which does not charge or collect origination fees in
27 connection with the origination of residential mortgage loans;

28 (c) Which only makes residential mortgage loans at an interest
29 rate of 0 percent per annum;

30 (d) Whose volunteers, if any, do not receive compensation for
31 their services in the construction of a dwelling;

32 (e) Which does not profit from the sale of a dwelling to a
33 borrower; and

34 (f) Which maintains tax-exempt status under section 501(c)(3)
35 of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

36 12. A housing counseling agency approved by the United
37 States Department of Housing and Urban Development.

38 *13. Except as otherwise required by the Director of the*
39 *Department of Business and Industry pursuant to section 15 of*
40 *this act, a participant in the Regulatory Experimentation Program*
41 *for Product Innovation established and administered pursuant to*
42 *sections 2 to 31, inclusive, of this act.*



Sec. 39. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 40. Chapter 645G of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 41. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this title do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 42. Chapter 673 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:
675.020 As used in this chapter, unless the context otherwise requires:

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

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

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



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

5. *"Internet lender" means a person who makes loans exclusively through the Internet.*

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

7. "Licensee" means a person to whom one or more licenses have been issued.

Sec. 43. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.



10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~{the applicant}~~ :

(a) *The applicant is an Internet lender;* or

(b) *The applicant or* a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State . ~~{and if the applicant submits}~~

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➤ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.



~~[4.]~~ 5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~[subsection]~~ *subsections 2 ~~[.]~~ and 3*, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

- (1) Operate as separate legal entities;
- (2) Maintain separate accounts, books and records;
- (3) Are subsidiaries of the same parent corporation; and
- (4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 44. NRS 676A.270 is hereby amended to read as follows:

676A.270 1. This chapter does not apply to an agreement with an individual who the provider has no reason to know resides in this State at the time of the agreement.

2. This chapter does not apply to a provider to the extent that the provider:

(a) Provides or agrees to provide debt-management, educational or counseling services to an individual who the provider has no reason to know resides in this State at the time the provider agrees to provide the services; or



(b) Receives no compensation for debt-management services from or on behalf of the individuals to whom it provides the services or from their creditors.

3. This chapter does not apply to the following persons or their employees when the person or the employee is engaged in the regular course of the person's business or profession:

(a) A judicial officer, a person acting under an order of a court or an administrative agency or an assignee for the benefit of creditors;

(b) A bank;

(c) An affiliate, as defined in paragraph (a) of subsection 2 of NRS 676A.030, of a bank if the affiliate is regulated by a federal or state banking regulatory authority; or

(d) A title insurer, escrow company or other person that provides bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

4. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, this chapter does not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 45. Chapter 677 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 46. Chapter 678 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 47. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 48. This act becomes effective:

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



- 1 2. On January 1, 2020, for all other purposes.

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