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FIRST REPRINT

S.B. 311

SENATE BILL NO. 311—SENATORS PARKS, D. HARRIS,
BROOKS; SPEARMAN AND WOODHOUSE

MARCH 18, 2019

JOINT SPONSORS: ASSEMBLYMEN JAUREGUI,
MCCURDY, SPIEGEL AND TOLLES

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions prohibiting certain discriminatory practices against a person seeking credit. (BDR 52-1048)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 credit; prohibiting discrimination against a person who seeks to obtain credit; revising provisions governing discrimination based on the marital status of a person who seeks to obtain credit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that any person seeking credit be afforded equal opportunity to have their creditworthiness evaluated under the same relevant economic standards and without any discrimination on the basis of their sex or marital status. (NRS 598B.020, 598B.100) **Section 2** of this bill defines marital status. **Section 3** of this bill permits an applicant for credit who has no credit history and was married to request that a creditor deem the applicant's credit history to be identical to that of the applicant's spouse during their marriage. Under **section 3**, the failure of a creditor to comply with such a request is deemed to be discrimination based on marital status. **Sections 4 and 7** of this bill expand the protection against discrimination to include race, color, creed, religion, disability, national origin or ancestry, sexual orientation, and gender identity or expression. **Section 6** of this bill requires the Commissioner of Financial Institutions to study the nature and extent of any discrimination based on race, color, creed, religion, disability, national origin or ancestry, sexual orientation, and gender identity or



15 expression. **Section 6** also requires the Commissioner of Financial Institutions to
16 cooperate with and assist in programs to prevent or eliminate such discrimination.

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

1 **Section 1.** Chapter 598B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Marital status” means all states of being married or*
4 *unmarried, and includes, without limitation, the states of being*
5 *single, married, separated, divorced or widowed.*

6 **Sec. 3. 1.** *If an applicant for credit:*

7 *(a) Has no credit history;*

8 *(b) Was or is married;*

9 *(c) Requests that the creditor deem the credit history of the*
10 *applicant to be identical to the credit history of the applicant’s*
11 *spouse which was established during the marriage referenced in*
12 *paragraph (b); and*

13 *(d) If requested by the creditor, provides, with regard to the*
14 *marriage referenced in paragraph (b), evidence of:*

15 *(1) The existence of the marriage; and*

16 *(2) The date of the marriage and, if applicable, the date the*
17 *marriage ended,*

18 *↪ The creditor must deem the credit history of the applicant to be*
19 *identical to the credit history of the applicant’s spouse which was*
20 *established during the marriage referenced in paragraph (b).*

21 **2.** *Violation of this section by a creditor shall be deemed to be*
22 *discrimination based on marital status.*

23 **Sec. 4.** NRS 598B.020 is hereby amended to read as follows:

24 598B.020 It is hereby declared to be the public policy of the
25 State of Nevada that all people in the State desiring to obtain credit
26 shall be afforded equal opportunity to have their creditworthiness
27 evaluated under the same relevant economic standards and without
28 any discrimination on the basis of their *race, color, creed, religion,*
29 *disability, national origin or ancestry,* sex , *sexual orientation,*
30 *gender identity or expression,* or marital status.

31 **Sec. 5.** NRS 598B.030 is hereby amended to read as follows:

32 598B.030 As used in this chapter, unless the context otherwise
33 requires, the words and terms defined in NRS 598B.040 to
34 598B.080, inclusive, *and section 2 of this act* have the meanings
35 ascribed to them in such sections.

36 **Sec. 6.** NRS 598B.090 is hereby amended to read as follows:

37 598B.090 The Commissioner of Financial Institutions through
38 the Division shall:

39 1. Administer the provisions of this chapter;



2. Study the nature and extent of any discrimination as to *race, color, creed, religion, disability, national origin or ancestry*, sex, *sexual orientation, gender identity or expression*, or marital status in credit practices in this state; and

3. Cooperate with and assist all public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate discrimination on the basis of *race, color, creed, religion, disability, national origin or ancestry*, sex, *sexual orientation, gender identity or expression*, or marital status in credit practices.

Sec. 7. NRS 598B.100 is hereby amended to read as follows:

598B.100 It is unlawful for any creditor to discriminate against any applicant on the basis of the applicant's *race, color, creed, religion, disability, national origin or ancestry*, sex, *sexual orientation, gender identity or expression*, or marital status with respect to any aspect of a credit transaction.

