

Amendment No. 415

Senate Amendment to Senate Bill No. 282

(BDR 54-841)

Proposed by: Senate Committee on Commerce and Labor

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 282 (§§ 4, 7, 8, 10, 12-14, 22).

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.

KRO/EGO



Date: 4/19/2021

S.B. No. 282—Revises provisions relating to real estate. (BDR 54-841)



SENATE BILL NO. 282—SENATOR DENIS

MARCH 22, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to real estate. (BDR 54-841)

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 real estate; revising provisions governing the ~~{deposit and use of certain administrative fines, fees, penalties and charges}~~ **financial administration of the Real Estate Division of the Department of Business and Industry; revising the provisions governing the Real Estate Education, Research and Recovery Fund; imposing a technology fee for the issuance or renewal of certain licenses, certificates, permits and registrations issued by the {Real Estate} Division; {of the Department of Business and Industry;}** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain administrative fines, fees, penalties and charges that are collected by the Real Estate Commission, the Commission of Appraisers of Real Estate and the Real Estate Division of the Department of Business and Industry to be deposited in the State General Fund. ~~{for unrestricted use.}~~ **Under existing law, the Real Estate Division is required to charge and collect various fees for licenses, certificates, permits and registrations. (NRS 119.320, 119A.360, 645.830, 645C.450, 645C.680, 645D.240, 645H.530, 645H.540, 645H.560) Any money required for the administration of the Division is required to be legislatively appropriated from the State General Fund. (NRS 119.118, 645.140, 645C.240, 645D.140, 645H.350) Section 1 of this bill creates the Account for Real Estate Administration in the State General Fund to pay for the administrative expenses of the Division. Section 1 also provides that: (1) the interest and income earned on money in the Account must be credited to the Account; and (2) any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year. Sections {1, 2, 5, 9, 11, {16,} 19 and 21 of this bill require, with certain exceptions, that money collected {from the imposition of those administrative fines, fees, penalties and other charges be deposited into separate accounts in the State General Fund for the restricted use of administering the provisions of law governing the relevant profession or occupation from whose members the money was collected. Sections 1, 5, 9, 11, 16, 19 and 21 also provide that: (1) the interest and income earned on the money in each such account must be credited to that account; and (2) any money remaining in such an account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.} **by the Division must be credited to the Account and used to pay for the administrative expenses of the Division. Sections {2,} 3 {1, 15, 17, 18} and 20 of this bill make conforming changes relating to the deposit and authorized use of certain money. {1} collected by the Division.****

Existing law: (1) requires that a balance of not less than \$300,000 be maintained in the Real Estate Education, Research and Recovery Fund to be used for satisfying claims against certain persons licensed by the Division; and (2) prescribes certain authorized uses for any balance over \$300,000 remaining in the Fund at the end of any fiscal year. (NRS 645.842) Section 4.5 of this bill reduces from \$300,000 to \$100,000 the minimum balance that is required to be maintained in the Fund. Section 4.5 also requires the Real Estate Administrator to transfer any amount in excess of \$100,000 at the end of each fiscal year to the Account for Real Estate Administration.

Existing law requires a person who wishes to engage in certain professions relating to real estate to obtain a license, certificate, permit or registration, as applicable, from the Real Estate Division. (Chapters 119A, 645, 645C, 645D and 645H of NRS) Sections 4, 7, 8, 10, 12-14 and 22 of this bill require an applicant for the issuance or renewal of certain licenses, certificates, permits and registrations issued by the Real Estate Division to pay a technology fee of \$15 in addition to any other fee assessed by the Real Estate Division for any such issuance or renewal. ~~[Sections 1, 5, 9, 11 and 21 require that the money collected from the technology fee imposed on each type of regulated profession or occupation be separately accounted for and used only to acquire technology for or improve the technology used by the Real Estate Division to administer the provisions of law governing that profession or occupation.]~~ Section 6 of this bill makes a conforming change as a result of the imposition of a technology fee.

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

Section 1. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 6 and NRS 645.314, 645.843 and 645.848, all administrative fines, fees, penalties and other charges received by the Commission or Division pursuant to this chapter must be deposited with the State Treasurer for credit to the Account for the Administration of Chapter 645 of NRS, which]~~ The Account for Real Estate Administration is hereby created in the State General Fund. The Administrator shall administer the Account.

2. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. ~~[Except as otherwise provided in subsection 4, the]~~ The money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter, and chapters 119, 119A, 645C, 645D and 645H of NRS.

4. ~~[All money collected from the technology fee imposed pursuant to NRS 645.830 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.~~

~~—5— All claims against the Account must be paid as other claims against the State are paid.~~

~~[—6— Except as otherwise provided in NRS 645.6058, the Commission and Division shall deposit any money collected from the imposition of any~~

~~administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

Sec. 2. NRS 645.140 is hereby amended to read as follows:

645.140 1. Except as otherwise provided in this section, ~~1.~~ and NRS 645.314, 645.843 and 645.848, all administrative fines, fees, penalties and other charges received by the Commission or Division pursuant to ~~{NRS 645.410, 645.660 and 645.830}~~ this chapter must be deposited with the State Treasurer for credit to the ~~{State General Fund.}~~ Account for Real Estate Administration created by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out this provisions of this chapter.

2. ~~{The fees received by the Division:~~

~~—(a) From the sale of publications must be retained by the Division to pay the costs of printing and distributing publications.~~

~~—(b) For examinations must be retained by the Division to pay the costs of the administration of examinations.~~

~~—Any surplus of the fees retained by the Division for the administration of examinations must be deposited with the State Treasurer for credit to the State General Fund.~~

~~—3. Money for the support of the Division must be provided by direct legislative appropriation, and be paid out on claims as other claims against the State are paid.~~

~~4. ~~{~~ Except as otherwise provided in NRS 645.6058, the Commission and Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

3. Each member of the Commission is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Commission, while engaged in the business of the Commission; and

(b) A per diem allowance and travel expenses at a rate fixed by the Commission, while engaged in the business of the Commission. The rate must not exceed the rate provided for state officers and employees generally.

~~5. 2. 4.~~ While engaged in the business of the Commission, each employee of the Commission is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Commission. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 3. NRS 645.6058 is hereby amended to read as follows:

645.6058 ~~1. Except as otherwise provided in subsection 3, all fees, penalties and fines received by the Division pursuant to the provisions of NRS 645.6052 to 645.6058, inclusive, must be deposited with the State Treasurer for credit to the Division. The money must be used by the Division for the administration of the provisions of NRS 645.6052 to 645.6058, inclusive.~~

~~2. The Division may delegate to a hearing officer or panel its authority to take any disciplinary action against property managers ~~1.~~ and impose and collect fines pursuant to the disciplinary action . ~~{and deposit the money with the State Treasurer for credit to the Division.~~~~

~~3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2, the Division shall deposit the money collected from the imposition of penalties and fines collected from property managers with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the costs of an investigation, or both.]~~

Sec. 4. NRS 645.830 is hereby amended to read as follows:

645.830 1. The following fees must be charged by and paid to the Division:

For each original real estate broker's, broker-salesperson's or corporate broker's license.....	\$105
For each original real estate salesperson's license	85
For each original branch office license	120
For real estate education, research and recovery to be paid at the time an application for an original license is filed	40
For real estate education, research and recovery to be paid at the time an application for renewal of a license is filed.....	40
For each renewal of a real estate broker's, broker-salesperson's or corporate broker's license	180
For each renewal of a real estate salesperson's license	140
For each renewal of a real estate branch office license	110
For each penalty for late filing of a renewal for a broker's, broker-salesperson's or corporate broker's license.....	95
For each penalty for late filing of a renewal for a salesperson's license.....	75
For each change of name or address	20
For each transfer of a real estate salesperson's or broker-salesperson's license and change of association or employment.....	20
For each duplicate license where the original license is lost or destroyed, and an affidavit is made thereof	20
For each change of broker status from broker to broker-salesperson.....	20
For each change of broker status from broker-salesperson to broker	40
For each reinstatement to active status of an inactive real estate broker's, broker-salesperson's or salesperson's license.....	20
For each reinstatement of a real estate broker's license when the licensee fails to give immediate written notice to the Division of a change of name or business location.....	30
For each reinstatement of a real estate salesperson's or broker-salesperson's license when he or she fails to notify the Division of a change of broker within 30 days of termination by previous broker.....	30
For each original registration of an owner-developer	125
For each annual renewal of a registration of an owner-developer	125
For each enlargement of the area of an owner-developer's registration.....	50
For each cooperative certificate issued to an out-of-state broker licensee for 1 year or fraction thereof.....	150

For each original accreditation of a course of continuing education	100
For each renewal of accreditation of a course of continuing education	50
For each annual approval of a course of instruction offered in preparation for an original license or permit	100

2. *In addition to the fees imposed by subsection 1 and NRS 645.843, each applicant for the issuance or renewal of a real estate broker's, broker-salesperson's or salesperson's license issued pursuant to this chapter must pay to the Division a technology fee of \$15.*

3. The fees prescribed by this section for courses of instruction offered in preparation for an original license or permit or for courses of continuing education do not apply to:

(a) Any university, state college or community college of the Nevada System of Higher Education.

(b) Any agency of the State.

(c) Any regulatory agency of the Federal Government.

~~3.4.~~ 4. The Commission shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of any investigation of a person's background.

Sec. 4.5. NRS 645.842 is hereby amended to read as follows:

645.842 1. The Real Estate Education, Research and Recovery Fund is hereby created as a special revenue fund.

2. A balance of not less than ~~[\$300,000]~~ \$100,000 must be maintained in the Fund, to be used for satisfying claims against persons licensed under this chapter, as provided in NRS 645.841 to 645.8494, inclusive. ~~[Any balance over \$300,000 remaining]~~

3. At the end of each fiscal year, the Administrator shall transfer any amount in excess of \$100,000 in the Fund ~~[at the end of any fiscal year must be set aside and used:~~

~~(a) By the Administrator, after approval of the Commission, for real estate education and research; or~~

~~(b) For any other purpose authorized by the Legislature.~~

~~3.] to the Account for Real Estate Administration created by section 1 of this act.~~

4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

5. The money in the Fund does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

Sec. 5. NRS 645C.240 is hereby amended to read as follows:

645C.240 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ subsection 3, all administrative fines, fees, penalties and other charges received by the Commission or Division pursuant to this chapter must be deposited with the State Treasurer for credit to the ~~[State General Fund.]~~ Account for the Real Estate Administration ~~[of Chapter 645C of NRS, which is hereby created [in the State General Fund. The Administrator shall administer the Account.] by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.~~

2. ~~[Fees received by the Division:~~

~~(a) From the sale of publications must be retained by the Division to pay the costs of printing and distributing publications.~~

1 ~~— (b) For examinations must be retained by the Division to pay the costs of the~~
2 ~~administration of examinations.~~

3 ~~— Any surplus of the fees retained by the Division for the administration of~~
4 ~~examinations must be deposited with the State Treasurer for credit to the State~~
5 ~~General Fund. The interest and income earned on money in the Account, after~~
6 ~~deducting any applicable charges, must be credited to the Account. Any money~~
7 ~~remaining in the Account at the end of the fiscal year does not revert to the State~~
8 ~~General Fund, and the balance in the Account must be carried forward to the~~
9 ~~next fiscal year.~~

10 ~~— 3. Except as otherwise provided in subsections 4 and 5, the money in the~~
11 ~~Account must be used to defray the costs and expenses incurred by the Division~~
12 ~~in carrying out the provisions of this chapter.~~

13 ~~— 4.~~ The portion of the fees collected by the Division pursuant to NRS
14 645C.450 and 645C.680 for the issuance or renewal of a certificate or license as a
15 residential appraiser, the issuance or renewal of a certificate as a general appraiser
16 or the issuance or renewal of a registration as an appraisal management company
17 which is used for payment of the annual registry fee to the Federal Financial
18 Institutions Examination Council or the Appraisal Subcommittee pursuant to 12
19 U.S.C. § 3338, must be ~~retained by the Division~~ **accounted for separately in the**
20 **Account and used only** for payment to the Federal Financial Institutions
21 Examination Council or the Appraisal Subcommittee on an annual basis.

22 **4. Money**

23 ~~— 5. All money collected from the technology fee imposed pursuant to NRS~~
24 ~~645C.450 and 645C.680 must be accounted for separately in the support of~~
25 ~~Account and used only to acquire technology for or improve the technology used~~
26 ~~by the Division in carrying out to administer the provisions of this chapter must be~~
27 ~~provided by direct legislative appropriation, including, without limitation, costs~~
28 ~~related to acquiring or improving technology, purchasing hardware and software,~~
29 ~~maintaining the technology and contracting for professional services related to~~
30 ~~the technology.~~

31 ~~— 6. All claims against the Account must be paid out on claims as other claims~~
32 ~~against the State are paid.~~

33 ~~— 7.~~ **3.** The Commission and Division shall deposit any money collected from
34 the imposition of any administrative fine or penalty pursuant to this chapter with
35 the State Treasurer for credit to the State General Fund. The Commission or
36 Division may present a claim to the State Board of Examiners for
37 recommendation to the Interim Finance Committee if money is required to pay
38 attorney's fees or the costs of an investigation, or both.

39 **Sec. 6.** NRS 645C.340 is hereby amended to read as follows:

40 645C.340 1. Each application for an examination for a certificate or license
41 must be accompanied by the fees established by the Division pursuant to subsection
42 ~~[2]~~ **3** of NRS 645C.450.

43 2. The examination must test the applicant on his or her knowledge and
44 understanding of:

45 (a) Subjects applicable to the type of certificate or license for which the
46 applicant is applying; and

47 (b) Laws regarding the practice of preparing and communicating appraisals,
48 including the provisions of this chapter and any regulations adopted pursuant
49 thereto.

50 3. The Division may hire a professional testing organization to create,
51 administer or score the examination.

Sec. 7. NRS 645C.450 is hereby amended to read as follows:

645C.450 1. The following fees may be charged and collected by the Division:

Application for a certificate, license or registration card	\$100
Issuance or renewal of a certificate or license as a residential appraiser	320
Issuance or renewal of a certificate as a general appraiser	420
Issuance of a permit	115
Issuance or renewal of a registration card	190
Issuance of a duplicate certificate or license for an additional office	50
Change in the name or location of a business	20
Reinstatement of an inactive certificate or license	30
Annual approval of a course of instruction offered in preparation for an initial certificate or license	100
Original approval of a course of instruction offered for continuing education	100
Renewal of approval of a course of instruction offered for continuing education	50

2. *In addition to any fees imposed pursuant to subsection 1, each applicant for the issuance or renewal of a certificate, license or registration card issued pursuant to this chapter must pay to the Division a technology fee of \$15.*

3. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate or license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

~~3.4~~ 4. The Division shall collect and remit the annual registry fee to the Federal Financial Institutions Examination Council or to the Appraisal Subcommittee, as appropriate, pursuant to 12 U.S.C. § 3338 and the rules or regulations issued thereunder.

Sec. 8. NRS 645C.680 is hereby amended to read as follows:

645C.680 1. The Division, with advice from the Commission, shall establish by regulation fees for appraisal management companies, including, without limitation, fees for:

(a) Application for registration;

(b) Registration;

(c) Renewal of registration;

(d) Late renewal of registration;

(e) Investigation of applicants; and

(f) Inactive status.

2. *In addition to the fees established pursuant to subsection 1, each applicant for the issuance or renewal of a registration as an appraisal management company must pay to the Division a technology fee of \$15.*

3. Except as otherwise provided in this subsection, the Division shall collect and remit the annual registry fee to the Federal Financial Institutions Examination Council or to the Appraisal Subcommittee, as appropriate, pursuant to 12 U.S.C. § 3338 and the rules or regulations issued thereunder. The fee required by this subsection must be collected from an appraisal management company only if, during the applicable year, the appraisal management company oversees a network

or panel of more than 15 certified or licensed appraisers in this State or 25 or more certified or licensed appraisers nationally.

Sec. 9. NRS 645D.140 is hereby amended to read as follows:

645D.140 1. ~~Except as otherwise provided in subsection 6, all~~ 2, all administrative fines, fees, penalties and other charges received by the Real Estate Commission or the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the ~~State General Fund.~~ Account for the Real Estate Administration [of Chapter 645D of NRS, which is hereby] created [in the State General Fund. The Administrator shall administer the Account.] by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.

2. ~~Money for The interest and income earned on money in the support of Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

3. ~~Except as otherwise provided in subsection 4, the money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.~~

4. ~~All money collected from the technology fee imposed pursuant to NRS 645D.240 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.~~

5. ~~All claims against the Account must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.~~

~~3.6.]~~ The Real Estate Commission and the Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Real Estate Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

Sec. 10. NRS 645D.240 is hereby amended to read as follows:

645D.240 1. The following fees must be charged and collected by the Division:

For each application for a certificate or license	\$100
For the issuance or renewal of a certificate or license	250
For each penalty for a late renewal of a certificate or license	125
For each change of name, address or association	20
For each duplicate certificate or license where the original is lost or destroyed and an affidavit is made thereof	20
For each reinstatement to active status of an inactive certificate or license	20
For each annual approval of a course of instruction offered in preparation for an original certificate or license	100
For each original accreditation of a course of continuing education	100
For each renewal of accreditation of a course of continuing education	50

2. *In addition to the fees imposed by subsection 1, each applicant for the issuance or renewal of a certificate or license issued pursuant to this chapter must pay to the Division a technology fee of \$15.*

3. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate or license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 11. NRS 645H.350 is hereby amended to read as follows:

645H.350 1. ~~Except as otherwise provided in subsection 6, all administrative fines, fees, penalties and administrative fines, other charges~~ *received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund. Account for the Real Estate Administration [of Chapter 645H of NRS, which is hereby] created in the State General Fund. The Administrator shall administer the Account, by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.*

2. ~~Money for The interest and income earned on money in the support of Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

3. ~~Except as otherwise provided in subsection 4, the money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.~~

4. ~~All money collected from the technology fees imposed pursuant to NRS 645H.530, 645H.540 and 645H.560 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.~~

5. ~~All claims against the Account must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.~~

6. ~~The Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

Sec. 12. NRS 645H.530 is hereby amended to read as follows:

645H.530 1. A person in this State who is employed or independently contracted as an asset manager by an asset management company shall apply to the Division for a permit to engage in asset management and pay a fee of \$75 for the issuance of the permit.

2. *In addition to the fee imposed by subsection 1, a person who applies to the Division for a permit to engage in asset management pursuant to subsection 1 must pay to the Division a technology fee of \$15.*

3. An applicant for a permit must:

(a) At his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(2) Submit to the Division:

(I) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(II) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken by a law enforcement agency or other authorized entity and directly forwarded by electronic or other means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;

(b) Submit to the Division a signed statement attesting that the applicant has read and understands the provisions of NRS 645H.520 and 645H.680 to 645H.770, inclusive; and

(c) Comply with all other requirements established by the Division for the issuance of a permit.

~~13-1~~ 4. The Division may:

(a) Unless the applicant's fingerprints are forwarded pursuant to subparagraph (II) of subparagraph (2) of paragraph (a) of subsection ~~12-1~~ 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 13. NRS 645H.540 is hereby amended to read as follows:

645H.540 **1.** A permit issued pursuant to NRS 645H.530 expires 1 year after the date of issuance, unless it is renewed. To renew the permit, the registrant must submit to the Division on or before the date of expiration:

~~11-1~~ (a) An application for renewal;

~~12-1~~ (b) A fee of \$75; and

~~13-1~~ (c) All information required to complete the renewal.

2. *In addition to the fee imposed by subsection 1, a registrant who submits to the Division an application for renewal of a permit pursuant to subsection 1 must pay to the Division a technology fee of \$15.*

Sec. 14. NRS 645H.560 is hereby amended to read as follows:

645H.560 **1.** A person must pay the following fees for the issuance or renewal of a certificate of registration as an asset management company:

(a) For the issuance of a certificate of registration, an application fee of \$2,000 for the principal office and a fee of \$500 for the issuance of the initial certificate of registration.

(b) For the renewal of a certificate of registration, a fee of \$500.

2. The following fees must be charged by and paid to the Division:

For each issuance of a duplicate registration or permit	\$50
For each change in the name or location of a business	20
For each change in the name or business address of a holder of a permit.....	20

3. *In addition to the fees imposed by subsection 1, each applicant for the issuance or renewal of a certificate of registration as an asset management company must pay to the Division a technology fee of \$15.*

1 **Sec. 15.** ~~[NRS 116.620 is hereby amended to read as follows:~~

2 ~~116.620 1. Except as otherwise provided in this section and within the~~
3 ~~limits of [legislative appropriations and any other] money available for this~~
4 ~~purpose, the Division may employ experts, attorneys, investigators, consultants and~~
5 ~~other personnel as are necessary to carry out the provisions of this chapter. At least~~
6 ~~one person employed pursuant to this subsection or NRS 116B.810 must be a~~
7 ~~certified public accountant certified to practice in this State pursuant to the~~
8 ~~provisions of chapter 628 of NRS or have training, expertise and experience in~~
9 ~~performing audits.~~

10 ~~2. The Attorney General shall designate one of his or her deputies to act as the~~
11 ~~attorney for the Division in all actions and proceedings brought against or by the~~
12 ~~Division pursuant to the provisions of this chapter. The deputy attorney general so~~
13 ~~designated must have legal experience and expertise in cases involving fraud or~~
14 ~~fiscal malfeasance.~~

15 ~~3. The deputy attorney general designated pursuant to subsection 2 shall:~~

16 ~~(a) Render to the Commission and the Division opinions upon all questions of~~
17 ~~law relating to the construction or interpretation of this chapter, or arising in the~~
18 ~~administration thereof, that may be submitted to the deputy attorney general by the~~
19 ~~Commission or the Division;~~

20 ~~(b) Assist the Ombudsman in performing his or her duties to assist in the~~
21 ~~resolution of affidavits filed pursuant to NRS 116.760 and to prepare reports~~
22 ~~required pursuant to NRS 116.765.] (Deleted by amendment.)~~

23 **Sec. 16.** ~~[NRS 116.630 is hereby amended to read as follows:~~

24 ~~116.630 1. [There is hereby created the Account for Common Interest~~
25 ~~Communities and Condominium Hotels in the State General Fund. The Account~~
26 ~~must be administered by the Administrator.~~

27 ~~2.] Except as otherwise provided in subsection [3.] 5, all [money]~~
28 ~~administrative fines, fees, penalties and other charges received by the~~
29 ~~Commission, a hearing panel or the Division pursuant to this chapter, or [chapter]~~
30 ~~chapters 116A or 116B of NRS, including, without limitation, the fees collected~~
31 ~~pursuant to NRS 116.31155 and 116B.620, must be deposited [into] with the State~~
32 ~~Treasurer for credit to the Account [.] for the Administration of Chapters 116,~~
33 ~~116A and 116B of NRS, which is hereby created in the State General Fund. The~~
34 ~~Administrator shall administer the Account.~~

35 ~~3. The interest and income earned on money in the Account, after~~
36 ~~deducting any applicable charges, must be credited to the Account. Any money~~
37 ~~remaining in the Account at the end of the fiscal year does not revert to the State~~
38 ~~General Fund, and the balance in the Account must be carried forward to the~~
39 ~~next fiscal year.~~

40 ~~4. [If] The money in the [Commission imposes a fine or penalty.] Account~~
41 ~~must be used to defray the costs and expenses incurred by the Division in~~
42 ~~carrying out the provisions of this chapter and chapters 116A and 116B of NRS.~~

43 ~~5. All claims made against the Account must be paid as other claims against~~
44 ~~the State are paid.~~

45 ~~6. The Commission and the Division shall deposit [the] any money collected~~
46 ~~from the imposition of [the] any administrative fine or penalty pursuant to this~~
47 ~~chapter, chapter 116A or 116B of NRS with the State Treasurer for credit to the~~
48 ~~State General Fund. [If the money is so deposited, the] The Commission or~~
49 ~~Division may present a claim to the State Board of Examiners for recommendation to~~
50 ~~the Interim Finance Committee if money is required to pay attorney's fees or the~~
51 ~~costs of an investigation, or both.~~

52 ~~7. The interest and income earned on the money in the Account, after~~
53 ~~deducting any applicable charges, must be credited to the Account.~~

~~5. The money in the Account must be used solely to defray:~~
~~(a) The costs and expenses of the Commission and the Office of the Ombudsman;~~
~~(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation, arbitration and a program conducted pursuant to NRS 38.300 to 38.360, inclusive; and~~
~~(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.]~~
(Deleted by amendment.)

Sec. 17. ~~[NRS 116A.210 is hereby amended to read as follows:~~

~~116A.210 1. Except as otherwise provided in this section and within the limits of [legislative appropriations and any other] money available for this purpose, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.~~

~~2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.~~

~~3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the Attorney General by the Commission or the Division.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 116B.810 is hereby amended to read as follows:~~

~~116B.810 1. Except as otherwise provided in this section and within the limits of [legislative appropriations and any other] money available for this purpose, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter. At least one person employed pursuant to this subsection or NRS 116.620 must be a certified public accountant certified to practice in this State pursuant to the provisions of chapter 628 of NRS or have training, expertise and experience in performing audits.~~

~~2. The Attorney General shall designate one of his or her deputies to act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter. The deputy attorney general so designated must have legal experience and expertise in cases involving fraud or fiscal malfeasance.~~

~~3. The deputy attorney general designated pursuant to subsection 2 shall:~~

~~(a) Render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the deputy attorney general by the Commission or the Division;~~

~~(b) Assist the Ombudsman in performing his or her duties to assist in the resolution of affidavits filed pursuant to NRS 116B.885 and to prepare reports required pursuant to NRS 116B.890.]~~ **(Deleted by amendment.)**

Sec. 19. NRS 119.118 is hereby amended to read as follows:

119.118 1. Except as otherwise provided in ~~[paragraph (b) of]~~ subsection ~~[1 of 5]~~ **2** and NRS ~~[119.320,]~~ **119.150**, all **administrative fines, fees, penalties and other** charges received by the Division ~~[shall]~~ **pursuant to this chapter must be deposited** ~~[in]~~ **with the State Treasurer for credit to the** ~~[General Fund in the State Treasury. Funds for the support of the Division shall be provided by direct legislative appropriation, and shall]~~ **Account for** ~~[the]~~ **Real Estate Administration** ~~[of Chapter 119 of NRS, which is hereby]~~ **created** ~~[in the State General Fund. The Administrator shall administer the Account.]~~ **by section 1 of this act and**

accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.

~~2. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

~~3. The money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.~~

~~4. All claims against the Account must be paid out on claims as other claims against the State are paid.~~

~~5. The Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

Sec. 20. NRS 119.320 is hereby amended to read as follows:

119.320 1. Subject to the provisions of this chapter, the Division shall collect the following fees at such times and upon such conditions as it may provide by regulation:

~~[(a) For deposit in the State General Fund:]~~

For each annual registered representative's license to represent a developer	\$85
For each transfer of a registered representative's license to represent a developer	30
For each penalty for a late renewal of a registered representative's license	40
For each developer's permit per subdivision	500
For each developer's temporary permit for each subdivision	275
For each renewal of a developer's permit	500
For each developer's partial registration pursuant to NRS 119.121	275

The \$500 fee for a developer's permit per subdivision does not apply to any subdivision having 34 or fewer lots, parcels, interests or units.

~~[(b) For deposit for use by the Division in carrying out the provisions of this chapter:]~~

For each application for a developer's request for an exemption from any provision of this chapter	\$500
For each application for renewal of an exemption from any provision of this chapter	500
For each penalty for a late renewal of a developer's permit	125
For each amendment to a developer's permit	300
For each penalty for the untimely filing of an amendment to a developer's permit	125
For each filing of a Project Registration Form 649 - Statement of Project Broker	25
For each project request for processing within 5 days after a complete filing is made	1,000

2. At the time of the original filing, each developer shall pay an additional \$5 for each lot, parcel, interest or unit in any one subdivision in excess of 50, but not exceeding 250 such lots, parcels, interests or units; \$4 for 251 through 500 lots, parcels, interests or units in any one subdivision; \$3 for 501 through 750 lots, parcels, interests or units in any one subdivision; and \$2.50 for all lots, parcels, interests or units in excess of 750 in any one subdivision. The developer may designate lots, parcels, interests or units it intends to offer for sale or lease in this state out of the subdivision, and the fee per lot, parcel, interest or unit is only applicable to those lots, parcels, interests or units. The units must be designated in groupings of no less than 5 contiguous units in each group, except that the Division may accept fewer upon request of the developer. If the developer determines to offer additional lots, parcels, interests or units, it shall so certify to the Division and pay the additional fee therefor.

3. With the exception of the fees for a registered representative's license or transfer, the fees enumerated in this section must be reduced by the Administrator at such times as, in his or her judgment, the Administrator considers a reduction equitable in relation to the necessary costs of carrying out the administration and enforcement of the provisions of this chapter.

Sec. 21. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~6~~ 2 and NRS 119A.350, all administrative fines, fees, penalties and other charges received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the Account for ~~the~~ Real Estate Administration ~~of Chapter 119A of NRS, which is hereby created in the State General Fund. The Administrator shall administer the Account,~~ by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.

2. ~~The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

3. ~~Except as otherwise provided in subsection 4, the money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.~~

4. ~~All money collected from the technology fee imposed pursuant to NRS 119A.360 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.~~

5. ~~All claims against the Account must be paid as other claims against the State are paid.~~

6. ~~The Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

Sec. 22. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at the time of filing:

For each application for the registration of a representative	\$100
For each renewal of the registration of a representative.....	100
For each transfer of the registration of a representative to a different developer.....	25
For each penalty for a late renewal of the registration of a representative.....	75
For each preliminary permit to sell time shares	400
For each initial permit to sell time shares	1,500
For each amendment to a statement of record after the issuance of the permit to sell time shares, where no new component sites are added	200
For each amendment to a statement of record after the issuance of the permit to sell time shares, where one or more new component sites are added, not including the addition of units to a component site previously permitted	500
For each annual renewal of a permit to sell time shares with only one component site	750
For each annual renewal of a permit to sell time shares with more than one component site	1,500
For each initial registration of a time-share resale broker.....	300
For each renewal of the registration of a time-share resale broker	150
For each original and annual registration of a manager	100
For each application for an original license as a sales agent	200
For each renewal of a license as a sales agent.....	200
For each penalty for a late renewal of a license as a sales agent	100
For each registration of a time share exchange company.....	500
For each conversion to an abbreviated registration	7,500
For each change of name or address of a licensee or status of a license.....	25
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof.....	25
For each annual approval of a course of instruction offered in preparation for an original license or permit.....	150
For each original accreditation of a course of continuing education	150
For each renewal of accreditation of a course of continuing education	75

2. Within 10 days after receipt of written notification from the Administrator of the approval of the application for a permit to sell time shares and before the issuance of the permit to sell time shares, or within 10 days after an amendment that adds time shares to the time-share plan is approved or deemed approved, each developer shall, for each time share that the developer includes in the initial time-share plan or adds to the time-share plan by amendment, pay a one-time fee of:

- (a) For each such time share up to and including 1,499 time shares, \$3.
- (b) For each such time share over 1,499 time shares, \$1.50.

1 ➤ For the purposes of calculating the amount of the fee payable under this
2 subsection, “time share” means the right to use and occupy a unit for 7 days or
3 more per calendar year.

4 3. ~~[A] In addition to the fees collected by imposed by subsection 1, each~~
5 ~~applicant for the issuance or renewal of a license as a sales agent must pay to the~~
6 Division ~~[pursuant to this section must be deposited for use by the Division in~~
7 ~~carrying out the provisions of this chapter.] a technology fee of \$15.~~

8 4. Except for the fees relating to the registration of a representative ~~[]~~ and the
9 ~~technology fee imposed pursuant to subsection 3,~~ the Administrator may reduce
10 the fees established by this section if the reduction is equitable in relation to the
11 costs of carrying out the provisions of this chapter.

12 5. The Division shall adopt regulations which establish the fees to be charged
13 and collected by the Division to pay the costs of:

14 (a) Any examination for a license, including any costs which are necessary for
15 the administration of such an examination.

16 (b) Any investigation of a person’s background.

17 **Sec. 23. ~~[The Legislative Counsel shall:~~**

18 ~~1. In preparing the reprint and supplements to the Nevada Revised Statutes,~~
19 ~~appropriately change any references to an officer, agency or other entity whose~~
20 ~~name is changed or whose responsibilities are transferred pursuant to the provisions~~
21 ~~of this act to refer to the appropriate officer, agency or other entity.~~

22 ~~2. In preparing supplements to the Nevada Administrative Code,~~
23 ~~appropriately change any references to an officer, agency or other entity whose~~
24 ~~name is changed or whose responsibilities are transferred pursuant to the provisions~~
25 ~~of this act to refer to the appropriate officer, agency or other entity.] (Deleted by~~
26 ~~amendment.)~~

27 **Sec. 24.** NRS ~~[116A.220,]~~ 645C.610 and 645H.360 are hereby repealed.

28 **Sec. 25.** 1. This section becomes effective upon passage and approval.

29 2. Sections 1 to 24, inclusive, of this act become effective:

30 (a) Upon passage and approval for the purpose of adopting any regulations and
31 performing any other preparatory administrative tasks that are necessary to carry
32 out the provisions of this act; and

33 (b) On July 1, 2021, for all other purposes.

TEXT OF REPEALED SECTIONS

~~[116A.220 Deposit of money; payment of claims:~~

~~1. Except as otherwise provided in subsection 2, all money received by the~~
~~Commission, a hearing panel or the Division pursuant to this chapter must be~~
~~deposited into the Account for Common Interest Communities and Condominium~~
~~Hotels created pursuant to NRS 116.630:~~

~~2. If the Commission imposes a fine or penalty, the Commission shall deposit~~
~~the money collected from the imposition of the fine or penalty with the State~~
~~Treasurer for credit to the State General Fund. If the money is so deposited, the~~
~~Commission may present a claim to the State Board of Examiners for~~
~~recommendation to the Interim Finance Committee if money is required to pay~~
~~attorney’s fees or the costs of an investigation, or both.~~

~~3. Money for the support of the Commission and Division in carrying out the~~
~~provisions of this chapter must be provided by direct legislative appropriation and~~
~~be paid out on claims as other claims against the State are paid.]~~

645C.610 Deposit of money collected; claim for attorney's fees and costs of investigation. If the Commission imposes a fine or a penalty or the Division collects an amount for the registration of an appraisal management company, the Commission or Division, as applicable, shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.

645H.360 Disposition of money collected. If the Division imposes an administrative fine or collects a fee for registering an asset management company or issuing or renewing a permit to an asset manager, the Division shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.