

SENATE BILL NO. 276—SENATOR DENIS

MARCH 18, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Imposes 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. (BDR 54-840)

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; 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; prescribing requirements governing the use of money collected from the fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons who wish to engage in certain professions relating to real estate to obtain a license, certificate, permit or registration from the Real Estate Division of the Department of Business and Industry. (Chapters 119A, 645, 645C, 645D and 645H of NRS) **Sections 3, 7, 8, 11, 14-16 and 18** of this bill require an applicant for the issuance or renewal of certain licenses, certificates, permits and registrations issued by the Division to pay a technology fee of \$15 in addition to any other fee assessed by the Division for any such issuance or renewal. **Sections 1, 4, 9, 12 and 17** of this bill require that the money collected from the technology fee imposed on each type of regulated profession or occupation be: (1) deposited in a separate account in the State General Fund and not revert at the end of a fiscal year; and (2) used only to acquire technology for or improve the technology used by the Division to administer the provisions of law governing that profession or occupation. **Sections 2, 5, 6, 10 and 13** of this bill make conforming changes relating to the deposit and authorized use of money collected from a technology fee.



* S B 2 7 6 *

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. The Technology Account for Chapter 645 of NRS is hereby created in the State General Fund. The Administrator shall administer the Account.

2. The interest and income earned on the 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. All money collected from the technology fee imposed pursuant to NRS 645.830 must be deposited 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.

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

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

645.140 1. Except as otherwise provided in this section **and section 1 of this act**, all fees, penalties and charges received by the Division pursuant to NRS 645.410, 645.660 and 645.830 must be deposited with the State Treasurer for credit to the State General Fund.

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. 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. 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 645.830 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.

~~13.1~~ 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. Chapter 645C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Technology Account for Chapter 645C of NRS is hereby created in the State General Fund. The Administrator shall administer the Account.

2. The interest and income earned on the 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. All money collected from the technology fee imposed pursuant to NRS 645C.450 and 645C.680 must be deposited 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.

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

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

645C.240 1. Except as otherwise provided in subsections 2 and 3 **and section 4 of this act**, all fees, penalties and other charges received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.

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.

(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. The portion of the fees collected by the Division pursuant to NRS 645C.450 and 645C.680 for the issuance or renewal of a certificate or license as a residential appraiser, the issuance or renewal of a certificate as a general appraiser or the issuance or renewal of a registration as an appraisal management company which is used for payment of the annual registry fee to the Federal Financial Institutions Examination Council or the Appraisal Subcommittee pursuant to 12 U.S.C. § 3338, must be retained by the Division for payment to the Federal Financial Institutions



1 Examination Council or the Appraisal Subcommittee on an annual
2 basis.

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

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

8 645C.340 1. Each application for an examination for a
9 certificate or license must be accompanied by the fees established
10 by the Division pursuant to subsection ~~2~~ 3 of NRS 645C.450.

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

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

15 (b) Laws regarding the practice of preparing and communicating
16 appraisals, including the provisions of this chapter and any
17 regulations adopted pursuant thereto.

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

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

21 645C.450 1. The following fees may be charged and
22 collected by the Division:

23		
24	Application for a certificate, license or registration	
25	card.....	\$100
26	Issuance or renewal of a certificate or license as a	
27	residential appraiser	320
28	Issuance or renewal of a certificate as a general	
29	appraiser	420
30	Issuance of a permit.....	115
31	Issuance or renewal of a registration card	190
32	Issuance of a duplicate certificate or license for an	
33	additional office	50
34	Change in the name or location of a business	20
35	Reinstatement of an inactive certificate or license	30
36	Annual approval of a course of instruction offered	
37	in preparation for an initial certificate or license	100
38	Original approval of a course of instruction offered	
39	for continuing education.....	100
40	Renewal of approval of a course of instruction	
41	offered for continuing education	50
42		

43 2. *In addition to any fees imposed pursuant to subsection 1,*
44 *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.

~~13-1~~ 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. Chapter 645D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Technology Account for Chapter 645D of NRS is hereby created in the State General Fund. The Administrator shall administer the Account.*

2. *The interest and income earned on the 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. All money collected from the technology fee imposed pursuant to NRS 645D.240 must be deposited 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.

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

Sec. 10. NRS 645D.140 is hereby amended to read as follows:

645D.140 1. ~~[(A)]~~ *Except as otherwise provided in section 9 of this act, all* fees, penalties and other charges received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.

2. Money for the support of the 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.

3. 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. 11. 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. 12. Chapter 645H of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Technology Account for Chapter 645H of NRS is hereby created in the State General Fund. The Administrator shall administer the Account.

2. The interest and income earned on the 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. All money collected from the technology fees imposed pursuant to NRS 645H.530, 645H.540 and 645H.560 must be deposited 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.

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

Sec. 13. NRS 645H.350 is hereby amended to read as follows:
645H.350 1. ~~IAH~~ *Except as otherwise provided in section 12 of this act, all* fees and administrative fines received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.



2. Money for the support of the 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.

Sec. 14. 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.

~~3-1~~ 4. The Division may:

(a) Unless the applicant's fingerprints are forwarded pursuant to sub-paragraph (II) of subparagraph (2) of paragraph (a) of subsection ~~1-2~~ 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. 15. 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:

~~(1.)~~ (a) An application for renewal;

~~(2.)~~ (b) A fee of \$75; and

~~(3.)~~ (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. 16. 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.*

Sec. 17. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Technology Account for Chapter 119A of NRS is hereby created in the State General Fund. The Administrator shall administer the Account.*



2. The interest and income earned on the 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. All money collected from the technology fee imposed pursuant to NRS 119A.360 must be deposited 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.

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

Sec. 18. 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



1	For each renewal of the registration of a time-share	
2	resale broker	\$150
3	For each original and annual registration of a	
4	manager	100
5	For each application for an original license as a	
6	sales agent	200
7	For each renewal of a license as a sales agent	200
8	For each penalty for a late renewal of a license as a	
9	sales agent	100
10	For each registration of a time share exchange	
11	company	500
12	For each conversion to an abbreviated registration	7,500
13	For each change of name or address of a licensee or	
14	status of a license	25
15	For each duplicate license, permit or registration	
16	where the original is lost or destroyed, and an	
17	affidavit is made thereof	25
18	For each annual approval of a course of instruction	
19	offered in preparation for an original license or	
20	permit	150
21	For each original accreditation of a course of	
22	continuing education	150
23	For each renewal of accreditation of a course of	
24	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.

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

3. ~~1A11~~ *In addition to the fees imposed by subsection 1, each applicant for the issuance or renewal of a license as a sales agent must pay to the Division a technology fee of \$15.*

4. *Except as otherwise provided in subsection 3 of section 17 of this act, all* fees collected by the Division pursuant to this section



1 must be deposited for use by the Division in carrying out the
2 provisions of this chapter.

3 ~~4.1~~ 5. Except for the fees relating to the registration of a
4 representative ~~5.1~~ *and the technology fee imposed pursuant to*
5 *subsection 3*, the Administrator may reduce the fees established by
6 this section if the reduction is equitable in relation to the costs of
7 carrying out the provisions of this chapter.

8 ~~5.1~~ 6. The Division shall adopt regulations which establish the
9 fees to be charged and collected by the Division to pay the costs of:

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

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

13 **Sec. 19.** 1. This section becomes effective upon passage and
14 approval.

15 2. Sections 1 to 18, inclusive, of this act become effective:

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

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

