

Amendment No. 243

Senate Amendment to Senate Bill No. 290	(BDR 52-9)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes 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. 290 (§§ 12, 21).

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.

MR/BJF



Date: 4/24/2023

S.B. No. 290—Provides for the regulation of employer-integrated earned wage access providers. (BDR 52-9)



SENATE BILL NO. 290—SENATORS CANNIZZARO AND LANGE

MARCH 15, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the regulation of employer-integrated earned wage access providers **and direct-to-consumer earned wage access providers.** (BDR 52-9)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to financial services; requiring a person who provides ~~employer-integrated~~ earned wage access services to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-~~33~~ **33.5** of this bill establish provisions relating to ~~businesses~~ **businesses** that ~~is employer-integrated and delivers~~ **deliver** to a person money that represents income that the person has earned ~~for services rendered to an employer~~ but that has not yet been paid to the person. **Section 9** of this bill defines “employer-integrated earned wage access provider” as a person who provides such a service after verifying the earned income of the user through ~~information~~ **certain data** provided by the user’s employer, or a person who provides payroll services to that employer. ~~It concerning the attendance and earnings of the user for the relevant pay period.~~ **Section 3.1 of this bill defines a “direct-to-consumer earned wage access provider” as a person who provides such a service after verifying the earned income of the user through certain data that is not provided by the user’s employer or a person who provides payroll services to that employer. Section 10.6 of this bill defines “provider” to include an employer-integrated earned wage access provider and a direct-to-consumer earned wage access provider.**

Section 12 of this bill prohibits a person from engaging in the business of ~~an employer-integrated earned wage access~~ **a** provider without a license issued by the Commissioner of Financial Institutions. **Sections 12-15** of this bill set forth certain requirements for licensure as ~~an employer-integrated earned wage access~~ **a** provider. **Section 16** of this bill requires each holder of a license as ~~an employer-integrated earned wage access~~ **a** provider to maintain a surety bond. **Sections 18-20** of this bill authorize the Commissioner to conduct certain examinations of licensees. **Section 21** of this bill requires the Commissioner to charge a fee for such examinations. **Sections** ~~22-24~~ **22 and 23** of this bill set forth certain procedures for disciplinary actions against a licensee or person who violates the provisions of this bill. **Section 25** of this bill sets forth a process for filing complaints against a licensee. ~~Section 34 of this bill makes a conforming change relating to the confidentiality of the information collected by a governmental agency related to a complaint filed against a licensee.~~ **Sections 26 and 27** of this bill require a licensee to submit a notice to and obtain the approval of the Commissioner before taking certain actions. **Section 28** of this bill requires a licensee to

submit certain information to the Commissioner annually. Section 34 of this bill makes conforming changes relating to the confidentiality of the information collected by a governmental agency related to sections 25 and 28.

Section 29 of this bill sets forth certain requirements for the operation of ~~an employer-integrated earned wage access~~ a provider. ~~Section 30 of this bill provides that if an employer-integrated earned wage access provider is unable to be repaid the amount of money delivered to a recipient of earned wage access services, the provider is prohibited from: (1) collecting that money from the recipient; (2) reporting certain information to a consumer reporting agency; or (3) debiting the bank account of the user without his or her affirmative consent.~~ Section 31 of this bill, among other things, prohibits ~~an employer-integrated earned wage access~~ a provider from : (1) sharing certain fees, voluntary tips, gratuities or other donations with ~~for paying certain compensation to~~ an employer ~~;~~ and (2) compelling or attempting to compel payment by a user through certain actions.

Section 33 of this bill provides that earned wage access services provided by ~~an employer-integrated earned wage access~~ a provider licensed pursuant to sections 2-33.5 are not a loan, or money transmission and are not subject to any provisions of existing law governing loans ~~Section~~ and money transmitters. Sections 34.5, 35 and 35.5 of this bill ~~provides~~ provide that the provisions of existing law governing persons engaged in the business of transmitting money or certain loans do not apply to ~~an employer-integrated earned wage access~~ a provider.

Section 32 of this bill authorizes the Commissioner to adopt regulations for the administration and enforcement of sections 2-33.5, Sections 36 and 36.1 of this bill requires the Commissioner to ; (1) on or before December 31, 2025, submit a report to the Legislature containing certain information relating to the regulation of earned wage access services ; and (2) prescribe the form and content of an application for a license to provide earned wage access services.

Section 36.2 of this bill authorizes a person who, as of January 1, 2023, was engaged in the business of providing earned wage access services to continue to engage in that business without obtaining a license pursuant to sections 2-33.5 until December 31, 2024, if the person submits an application for such a license before January 1, 2024.

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

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~33.5~~ 33.5, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Commissioner” means the Commissioner of Financial Institutions.*

Sec. 3.1. *“Direct-to-consumer earned wage access provider” means a person who is engaged in the business of providing direct-to-consumer earned wage access services.*

Sec. 3.2. *“Direct-to-consumer earned wage access services” means the delivery to a user of an advance of earned but unpaid income based on data that is not employment, income or attendance data obtained directly from an employer or an employer’s payroll service provider.*

Sec. 4. 1. “Earned but unpaid income” means salary, wages, compensation or other income that:

(a) A user or employer has represented, and a provider has reasonably determined to have been, earned or accrued to the benefit of the user in exchange

1 for the user's provision of services to the employer or on behalf of the employer;
2 and

3 (b) Has not been paid to the user by the employer at the time a provider
4 delivers the payment of the proceeds to a user.

5 2. The term includes, without limitation, salary, wages, compensation or
6 other income ~~[that has not yet been paid to the user by an employer.]~~ earned;

7 (a) On an hourly, project-based, piecework or other basis.

8 (b) Through services rendered as an independent contractor.

9 Sec. 5. ~~["Earned income" means money that has accrued to the benefit of a~~
10 ~~user for services rendered to an employer.] (Deleted by amendment.)~~

11 Sec. 6. ~~["Earned wage access provider" means a person who is engaged in~~
12 ~~the business of providing earned wage access services to a user in this State.]~~
13 (Deleted by amendment.)

14 Sec. 7. 1. "Earned wage access services" means the delivery to a user of
15 money that represents earned but unpaid income.

16 2. The term includes both employer-integrated earned wage access services
17 and direct-to-consumer earned wage access services.

18 Sec. 8. 1. "Employer" means:

19 (a) A person who employs a user; or

20 (b) Any other person who is contractually obligated to pay a user any ~~sum of~~
21 ~~money on an hourly, project-based, piecework or other basis for services provided~~
22 ~~by the user.] earned but unpaid income.~~

23 2. The term does not include:

24 (a) A customer of an employer; or

25 (b) Any other person whose obligation to make a payment of salary, wages,
26 compensation or other income to a user is not based ~~[solely] on [an agency~~
27 ~~relationship between] the provision of services by that user [and the employer.]~~
28 for or on behalf of such person.

29 Sec. 9. 1. "Employer-integrated earned wage access provider" means ~~[an~~
30 ~~earned wage access provider] a person who ~~[provides]~~ is engaged in the business~~
31 of offering to provide or providing employer-integrated earned wage access
32 services. ~~[to a user after]~~

33 2. The term does not include payroll service providers, including, without
34 limitation, payroll service providers whose role may include verifying the ~~[user's~~
35 ~~earned income through timely data concerning the attendance or earnings, or~~
36 ~~both, of the] available earnings but who are not contractually obligated to fund~~
37 earned wage access service proceeds to a user. ~~[for the relevant pay period which~~
38 ~~is provided by the employer or a person who provides payroll services to the~~
39 ~~employer.]~~

40 Sec. 9.1. "Employer-integrated earned wage access services" means the
41 delivery to a user of access to earned but unpaid income determined based on
42 employment, income or attendance data obtained directly or indirectly from an
43 employer, including, without limitation, an employer's payroll service provider.

44 Sec. 9.2. 1. "Fee" includes:

45 (a) A fee imposed by a provider for delivery or expedited delivery of proceeds
46 to a user; and

47 (b) A subscription or membership fee imposed by a provider for a bona fide
48 group of services that include earned wage access services.

49 2. The term does not include a voluntary tip, gratuity or donation.

50 Sec. 10. "Licensee" means a person who has been issued one or more
51 licenses to engage in the business of ~~[an] :~~

52 1. An employer-integrated earned wage access provider ~~[:] ; or~~

53 2. A direct-to-consumer earned wage access service provider.

1 Sec. 10.2. "Outstanding proceeds" means proceeds remitted to a user by a
2 provider that have not yet been repaid to that provider.

3 Sec. 10.4. "Preauthorized electronic fund transfer" has the meaning
4 ascribed to it in 12 C.F.R. § 1005.2(k).

5 Sec. 10.5. "Proceeds" means a payment delivered to a user by a provider
6 that is based on earned but unpaid income.

7 Sec. 10.6. 1. "Provider" means a person who is engaged in the business
8 of providing earned wage access services, including a direct-to-consumer earned
9 wage access provider and an employer-integrated earned wage access provider.

10 2. The term does not include payroll service providers, including, without
11 limitation, payroll service providers whose role may include verifying available
12 earners but who are not contractually obligated to fund proceeds to a user.

13 Sec. 11. "User" means a natural person residing in this State who receives
14 earned wage access services.

15 Sec. 12. 1. A person shall not engage in the business of ~~an employer-~~
16 ~~integrated earned wage access~~ a provider unless the person has been issued a
17 license by the Commissioner pursuant to this section.

18 2. A person who wishes to be licensed as ~~an employer-integrated earned~~
19 ~~wage access~~ a provider must submit to the Commissioner the application fee
20 established pursuant to subsection ~~15~~ 7, and an application, on a form prescribed
21 by the Commissioner, which must contain:

22 (a) The name and address of the applicant;

23 (b) ~~Financial statements of~~ A copy of the proposed terms and conditions of
24 use which will govern the provision of earned wage access services by the
25 applicant ~~for the immediately preceding year which have been audited by an~~
26 ~~independent certified public accountant~~, which must include, without
27 limitation, a statement by the applicant that he or she will provide services in
28 accordance with the applicable provisions of the federal Electronic Fund
29 Transfer Act 15 U.S.C. §§ 1693 et. seq., and the regulations thereunder;

30 (c) ~~A copy of the proposed terms and conditions or terms of use which will~~
31 ~~govern the provision of earned wage access services by the applicant.~~

32 ~~(d)~~ A copy of the policy of the applicant relating to the privacy of
33 information concerning users;

34 ~~(e) The~~ (d) A schedule of fees proposed to be charged to a user or employer
35 for the provision of earned wage access services, which must include, without
36 limitation, a statement identifying at least one option for a user to obtain earned
37 wage access services from the applicant at no cost to the user;

38 (e) A statement that the applicant is applying to be licensed as an employer-
39 integrated earned wage access provider or a direct-to-consumer earned wage
40 access provider, or both; and

41 (f) Any other information required by any regulations adopted by the
42 Commissioner pursuant to section 32 of this act.

43 3. Upon receipt of the application for licensure and when satisfied that the
44 applicant is entitled thereto, the Commissioner shall notify the applicant of the
45 Commissioner's approval of the application and issue to the applicant a license
46 as ~~an employer-integrated earned wage access~~ a provider ~~that~~ that contains a
47 unique license number. A licensee shall prominently display the license on the
48 Internet website of the licensee.

49 4. Except as otherwise provided by regulation of the Commissioner, a
50 license issued pursuant to this section expires ~~annually on the anniversary date~~
51 ~~of the issuance of the license and may be renewed upon submission of an~~
52 ~~application for renewal containing such information as the Commissioner may~~

~~require by regulation,~~ on December 31 of each year unless it is earlier surrendered, suspended or revoked.

5. The license may be renewed annually upon approval of the Commissioner if the licensee, on or after November 1 and on or before December 31 of each year, files an application conforming to the requirements for an initial application.

6. An application for the annual renewal of the license must be accompanied by a fee of not more than \$1,000. No investigation fee may be charged for the renewal of the license. If the application or fee for renewal is not filed within the required time, the Commissioner may reinstate the expired license if the licensee files the application, submits the fee for renewal and submits a fee of not more than \$1,000 for late renewal, if applicable, on or before February 28 of the year following the expiration date of the license.

7. The Commissioner shall ~~establish by regulation~~ adopt regulations establishing the amount of fees ~~for the issuance and renewal of a license issued~~ required pursuant to this section. The fees for the application, initial license, and license renewal shall not exceed \$1,000. All fees collected pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

~~6.7~~ 8 A license issued pursuant to this section is not transferrable or assignable.

9. This section does not apply to a depository institution in which the deposits are federally insured up to applicable limits.

Sec. 13. 1. In addition to any other requirements set forth in this chapter, each applicant for licensure as ~~an employer integrated earned wage access~~ a provider must submit:

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Is competent to transact the business of ~~an employer integrated earned wage access~~ a provider.

(2) Has not made a false statement on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license as ~~an employer integrated earned wage access~~ a provider suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~6.6~~ (b) If the applicant is a corporation or association:

(1) The name and address of each of the directors, trustees and principals of the corporation and of any stockholder who owns 25 percent or more of the applicant's stock;

(2) If required by the Commissioner, a complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national or international background check on the criminal history of the principal officers of the corporation or association, which must include a written statement authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(3) If required by the Commissioner, information concerning the personal history and experience of the principal officers of the corporation or association; and

(4) If required by the Commissioner, information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the principal officers of the corporation or association.

(c) If the applicant is a natural person:

~~[(1) Is]~~ (1) Proof satisfactory to the Commissioner that the applicant is at least 21 years of age; ~~and~~

~~[(11) Is]~~ (2) Proof satisfactory to the Commissioner that the applicant is a citizen of the United States or lawfully entitled to work in the United States ~~and~~; and

~~[(4)]~~ (3) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant for licensure as ~~an employer integrated earned wage access~~ a provider if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a licensee, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 14. 1. In addition to the requirements set forth in sections 12 and 13 of this act, a natural person who applies for the issuance or renewal of a license as ~~an employer integrated earned wage access~~ a provider shall:

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to paragraph (b) of subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as ~~an employer integrated earned wage access~~ a provider may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to paragraph (b) of subsection 1; or

(b) Indicates on the statement submitted pursuant to paragraph (b) of subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to paragraph (b) of subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the

applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 15. 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as ~~an employer integrated earned wage access~~ a provider, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license as ~~an employer integrated earned wage access~~ a provider that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 16. 1. Each licensee shall have in force a surety bond payable to the State of Nevada in the amount of \$35,000.

2. The bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful performance of the obligations of the licensee respecting the provision of earned wage access services.

3. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of the business of ~~an employer integrated earned wage access~~ a provider of earned wage access services in this State, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

4. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or

(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.

5. The liability of the surety on a bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after:

(a) The death of the licensee or the dissolution or liquidation of the business of the licensee; or

(b) The termination of the bond,
↪ whichever occurs first.

1 Sec. 17. Each license as ~~an employer integrated earned wage access~~ a
2 provider shall remain in full force and effect until it expires or is surrendered,
3 revoked or suspended as provided in this chapter and the regulations adopted
4 pursuant thereto.

5 Sec. 18. 1. For the purpose of discovering violations of this chapter or
6 securing information lawfully required under this chapter, the Commissioner or
7 his or her duly authorized representative may, ~~upon reasonable prior notice,~~ at
8 any time, examine the books, accounts, papers and records that are used ~~in the~~
9 ~~business of,~~ or created in connection with the activities covered by the license of:

10 (a) Any licensee;

11 (b) Any other person engaged in the business of ~~an employer integrated~~
12 ~~earned wage access~~ a provider or participating in such business as a principal,
13 agent, broker or otherwise; and

14 (c) Any person who the Commissioner has reasonable cause to believe is
15 violating or is about to violate any provision of this chapter, whether or not the
16 person claims to be within the authority or beyond the scope of this chapter.

17 2. For the purposes of examination, the Commissioner or his or her
18 authorized representative shall have and be given ~~free~~ reasonable access to the
19 offices and places of business, and the files, safes and vaults of such persons.

20 3. For the purposes of this section, any person who advertises for, solicits or
21 holds himself or herself out as willing to provide earned wage access services
22 ~~through a contractual arrangement with an employer~~ is presumed to be
23 engaged in the business of ~~an employer integrated earned wage access~~ a
24 provider ~~and must obtain a license from the Commissioner.~~

25 4. This section does not entitle the Commissioner or his or her authorized
26 representative to investigate the business or examine the books, accounts, papers
27 or records of any attorney who is not a person described in subsection 1, other
28 than examination of those books, accounts, papers and records maintained by
29 such attorney in his or her capacity as a registered agent, and then only to the
30 extent such books, accounts, papers and records are not subject to any privilege
31 in NRS 49.035 to 49.115, inclusive.

32 Sec. 19. 1. The Commissioner may require the attendance of any person
33 and examine him or her under oath regarding:

34 (a) Any licensee; or

35 (b) The subject matter of any audit, examination, investigation or hearing.

36 2. The Commissioner may require the production of books, accounts,
37 papers and records for any audit, examination, investigation or hearing.

38 Sec. 20. The Commissioner or his or her authorized representative may at
39 least annually make an examination of the place of business of each licensee and
40 of the transactions, books, accounts, papers and records of the person as they
41 pertain to the business of ~~an employer integrated earned wage access~~ a provider
42 ~~and its activities conducted pursuant to a license issued pursuant to this~~
43 ~~chapter.~~

44 Sec. 21. 1. The Commissioner shall charge and collect from each licensee
45 a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101
46 for the cost of any supervision, audit, examination, investigation or hearing
47 conducted pursuant to this chapter or any regulations adopted pursuant thereto.

48 2. All money collected by the Commissioner pursuant to subsection 1 must
49 be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

50 Sec. 22. 1. If the Commissioner finds that probable cause for revocation
51 of a license of a licensee exists and that enforcement of this chapter requires
52 immediate suspension of such a license pending investigation, he or she may,

1 upon 5 days' written notice and a hearing, enter an order suspending the license
2 for a period of not more than 20 days, pending a hearing about the revocation.

3 2. If the Commissioner has reason to believe that grounds for revocation or
4 suspension of a license exists, he or she shall notify the licensee not later than 20
5 days before the date of the hearing. Such notice must state the contemplated action
6 and, in general, the grounds thereof and set a date for a hearing.

7 Sec. 23. 1. Whenever the Commissioner has reasonable cause to believe
8 that any person is violating or is threatening to or intends to violate any provision
9 of this chapter, the Commissioner may, in addition to all actions provided for in
10 this chapter and without prejudice thereto, enter an order requiring the person to
11 desist or to refrain from such violation.

12 2. The Attorney General or the Commissioner may bring an action to enjoin
13 a person from engaging in or continuing a violation or from doing any act or acts
14 in furtherance thereof. In any such action, an order or judgment may be entered
15 awarding a preliminary or final injunction as may be deemed proper.

16 3. In addition to any other remedy or penalty, the Commissioner may
17 impose an administrative fine of not more than \$50,000 upon a person who
18 conducts any business or activity without a license and for which a license is
19 required pursuant to the provisions of this chapter.

20 Sec. 24. ~~If the Commissioner has reason to believe that grounds for~~
21 ~~revocation or suspension of a license of a licensee exist, he or she shall notify the~~
22 ~~licensee not later than 20 days before the date of the hearing. Such notice must~~
23 ~~state the contemplated action and, in general, the grounds therefor and set a date~~
24 ~~for a hearing.] (Deleted by amendment.)~~

25 Sec. 25. 1. A user, an attorney for a user or any other person who
26 believes that any provision of this chapter has been violated may file a complaint
27 with the Commissioner. Such a complaint must include:

28 (a) The full name and address of the person filing the complaint;

29 (b) A clear and concise statement of facts sufficient to establish that the
30 alleged violation occurred, including, without limitation, the date, time and place
31 of the alleged violation and the name of each person involved in the alleged
32 violation; and

33 (c) A certification by the person filing the complaint that the facts alleged in
34 the complaint are true to the best knowledge and belief of the person.

35 2. Upon receipt of a complaint filed pursuant to subsection 1, the
36 Commissioner shall send a copy of the complaint to the accused licensee. The
37 licensee, or an authorized representative of the licensee, shall file a verified
38 answer to the complaint within 10 business days after receipt of the complaint,
39 unless for good cause shown, the Commissioner extends the time for a period of
40 not more than 30 days. If the licensee, or an authorized representative of the
41 licensee, fails to file a verified answer within the time required by this subsection,
42 the licensee shall be deemed to have admitted to the allegations contained in the
43 complaint.

44 3. The Commissioner may make investigations and conduct hearings
45 concerning complaints filed with the Commissioner pursuant to this section.

46 4. Except as otherwise provided in this section, a complaint filed with the
47 Commissioner pursuant to subsection 1, all documents and other information
48 filed with the complaint and all documents, reports and other information
49 resulting from the investigation of the complaint are confidential and may be
50 disclosed only as the Commissioner deems necessary to administer the provisions
51 of this chapter.

1 **Sec. 26. 1.** *A licensee shall not make any of the following changes unless*
2 *the licensee has obtained the prior approval of the Commissioner in accordance*
3 *with the provisions of this section:*

4 (a) *A change in the ownership of ~~20%~~ 25 percent or more of the capital stock*
5 *or other equivalent ownership interest of the licensee;*

6 (b) *A change in control of the licensee;*

7 (c) *A change in the name of the licensee, including the name under which*
8 *the licensee is doing business; or*

9 (d) *A change in the principal business address of the licensee or in the*
10 *address of any office of the licensee in this State.*

11 2. *A licensee who wishes to make any change described in subsection 1*
12 *must, not less than 10 business days before the date on which the change is to*
13 *occur, submit a notice to the Commissioner. Such notice must include any*
14 *information that the Commissioner may require.*

15 3. *Upon receipt of a notice submitted pursuant to subsection 2, the*
16 *Commissioner shall approve or disapprove the proposed change. The*
17 *Commissioner may disapprove a proposed change if, in the reasonable judgment*
18 *of the Commissioner, the proposed change is inconsistent with the requirements*
19 *of this chapter. If the Commissioner does not respond to a licensee who submits a*
20 *notice pursuant to subsection 2, including, without limitation, any request by the*
21 *Commissioner for additional information from the licensee, within 10 business*
22 *days of the date on which the notice was submitted, the proposed change shall be*
23 *deemed approved.*

24 4. *As used in this section, "control" means the possession, directly or*
25 *indirectly, of the power to direct or cause the direction of the management and*
26 *policy of the licensee.*

27 **Sec. 27.** *In addition to the notice requirements set forth in section 26 of this*
28 *act, a licensee must, before making a change in the principal officers or directors*
29 *of a licensee, submit a notice to the Commissioner within a time period prescribed*
30 *by the Commissioner. If the submission of such a notice is not possible before the*
31 *change due to the unilateral resignation of a principal officer or director or other*
32 *similar circumstance, the licensee must submit to the Commissioner a notice as*
33 *promptly as possible after such a change. If, in the reasonable judgment of the*
34 *Commissioner, the change in the principal officers or directors of the licensee is*
35 *inconsistent with the requirements of this chapter, the Commissioner may require*
36 *the licensee to take such action as the Commissioner deems necessary to ensure*
37 *compliance with the provisions of this chapter.*

38 **Sec. 28. 1.** *On or before April 15 of each year, a licensee shall submit to*
39 *the Commissioner ~~for~~ a report containing, as applicable to the licensee:*

40 (a) *Except as otherwise provided in subsection 2, financial statements for the*
41 *immediately preceding year that have been audited by an independent certified*
42 *public accountant; ~~and~~*

43 (b) *A copy of each complaint that has been filed by a user who received*
44 *earned wage access services in this State in the immediately preceding year*
45 *against the licensee with the Better Business Bureau or the Consumer Financial*
46 *Protection Bureau and a description of the resolution, if any, of each such*
47 *complaint ~~for~~;*

48 (c) *The total amount of charges paid by users for earned wage access*
49 *services in the preceding year in this State;*

50 (d) *The total number users in this State who did not receive earned wage*
51 *access services in the immediately preceding year but who paid a subscription fee*
52 *or membership fee imposed by a provider for a bona fide group of services that*

include earned wage access services, including the total amount of subscription fees and membership fees paid by those users in the immediately preceding year;

(e) The total number of users in this State who participated in 12 or more earned wage access transfers provided by the licensee in the immediately preceding year; and

(f) Any other information required by the Commissioner pursuant to regulations adopted pursuant to this chapter.

2. If audited financial statements are not available to a licensee on or before April 15 in any year, the licensee may satisfy the requirements of paragraph (a) of subsection 1 by submitting to the Commissioner:

(a) Unaudited financial statements on or before April 15; and

(b) Audited financial statements when such statements become available to the licensee.

3. Except as otherwise provided in this section, all documents and other information filed with the Commissioner are confidential and may be disclosed only as the Commissioner and the licensee mutually deem necessary to administer the provisions of this section.

4. The Commissioner shall annually publish and make available to the public an aggregated and anonymized analysis of the information submitted as required pursuant to this section.

Sec. 29. ~~[An employer-integrated earned wage access]~~ A provider shall:

1. Develop and implement policies and procedures to respond to questions raised by users and address complaints from users in an expedient manner;

2. Before entering into an agreement with a user for the provision of earned wage access services:

(a) Inform the user of his or her rights under the agreement; and

(b) Fully and clearly disclose all fees associated with the earned wage access services;

3. Allow the user to cancel, at any time and without incurring a fee, his or her participation in an agreement for the provision of earned wage access services; ~~and~~

4. Comply with all local, state and federal privacy and information security laws ~~that~~;

5. If the provider solicits, charges or receives a tip, gratuity or donation from a user:

(a) Conspicuously disclose or cause to be disclosed to the user that any tip, gratuity or donation paid by the user does not inure to the direct benefit of any specific employee of the provider or any other person; and

(b) Conspicuously provide an option for the user to select zero as an amount for such tip, gratuity or donation;

6. If a provider seeks payment of outstanding proceeds, fees or other payments including, without limitation, voluntary tips, gratuities or other donations from a user's account at a depository institution, including through a preauthorized electronic fund transfer:

(a) Comply with the applicable provisions of the Federal Electronic Fund Transfer Act and regulations thereunder; and

(b) Reimburse the user for the full amount of any overdraft or non-sufficient funds fee imposed on a user by the user's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees or other payments, including, without limitation, voluntary tips, gratuities or other donations on a date before, or in an incorrect amount from, the date or amount disclosed to the user; and

7. The requirements set forth in subparagraphs (1) and (2) of paragraph (f) do not apply to any payments of outstanding amounts or fees incurred by a user through fraudulent or other unlawful means.

Sec. 30. ~~1. If an employer-integrated earned wage access provider provides earned wage access services to a user and is unable to be repaid the amount of money delivered to the user, the provider shall not, absent intentional and willful fraud by the user:~~

~~(a) Collect that money from the user without his or her affirmative consent;~~

~~(b) Report any of the user's information or information regarding the inability of the provider to be repaid to a consumer reporting agency; or~~

~~(c) Debit the bank account of the user without his or her affirmative consent.~~

2. As used in this section, "consumer reporting agency" has the meaning ascribed to it in NRS 686A.640. (Deleted by amendment.)

Sec. 31. ~~[An employer-integrated earned wage access]~~ 1. A provider shall not:

~~1.1~~ (a) Share with an employer any fees, voluntary tips, gratuities or other donations that were received from or charged to a user ~~for or~~

~~2. Pay any other compensation to an employer that is directly related to any fees received from or charged to a user.]~~ for earned wage access services;

(b) Use a user's consumer credit report, as defined in NRS 686A.630, or a user's credit score to determine the user's eligibility for earned wage access services;

(c) Charge a late fee, deferral fee, interest or any other penalty or charge for failure to pay outstanding proceeds, fees, voluntary tips, gratuities or other donations;

(d) Report any information about the user regarding the inability of the provider to be repaid outstanding proceeds, fees, voluntary tips, gratuities or any other donations to a consumer agency or debt collector;

(e) Compel or attempt to compel payment by a user of outstanding proceeds, fees, voluntary tips, gratuities or other donations to the provider through any of the following means:

(1) A civil action against the user in any court of competent jurisdiction;

(2) Use of a third party to pursue collection from the user on the provider's behalf; or

(3) Sale or assignment of outstanding amounts to a third-party collector or debt buyer for collection from the user.

2. The limitations set forth in paragraph (e) of subsection 1 shall not preclude the use by a provider of any of the foregoing methods specified in paragraph (e) to compel or attempt to compel payment of outstanding amounts or fees incurred by a user through fraudulent or other unlawful means, nor shall they preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.

Sec. 32. The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter. Such regulations may include, without limitation, requirements relating to the retention of records by ~~[an employer-integrated earned wage access]~~ a provider.

Sec. 33. 1. Nothing in this chapter shall be construed to cause [any] :

(a) Any earned wage access services provided by ~~[an employer-integrated earned wage access provider]~~ a licensee in compliance with this chapter to be deemed [a] :

(1) A loan or other form of credit;

(2) As violating or noncompliant with the laws of this State governing the sale or assignment of, or an order of, earned but unpaid income; or

(3) A money transmission, or to be subject to any of the provisions of law governing loans or money transmitters ~~[- Earned wage access services provided by an employer integrated earned wage access provider in compliance with this chapter are not subject to any other statutory or regulatory provisions governing loans or money transmission.];~~

(b) Any licensee in compliance with this chapter to be deemed a creditor, lender or money transmitter; and

(c) Any fee provided to a consumer by a provider in compliance of this chapter to be deemed an interest or finance charge.

2. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.

Sec. 33.5. The proceeds provided to a consumer by a provider in accordance with this chapter shall not be subject to the provisions of chapter 604A or 675 of NRS. A provider of the proceeds shall not be required to be licensed pursuant to chapters 604A and 675 of NRS unless the provider is conducting business pursuant to chapter 604A or 675 of NRS.

Sec. 34. 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, 41.0397, 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, 119A.677, 119B.370, 119B.382, 120A.640, 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, 176.015, 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, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,

396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ~~and [section]~~ sections 25 and 28 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 34.5. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to 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 or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than \$2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

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

9. 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.

10. 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.

11. 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.

12. 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.

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

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

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

16. 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.

17. A provider licensed to provide earned wage access services pursuant to the chapter consisting of sections 2 to 33.5, inclusive, of this act.

Sec. 35. NRS 671.020 is hereby amended to read as follows:

671.020 1. This chapter does not apply to:

(a) Bank, its parent or holding company or any subsidiary thereof, trust company, savings bank, savings and loan association, credit union, industrial bank or industrial loan and investment company, organized and regulated under the laws of this state or of the United States;

(b) Foreign banking corporation licensed to do banking business in this state;

(c) Telegraph company providing a public message service ~~{};~~ **or**

~~(d) [Employer integrated earned wage access]~~ **A provider who is licensed pursuant to the chapter consisting of sections 2 to 33.5, inclusive, of this act.**

2. Subsection 1 does not reduce or alter any liability otherwise attaching to the sale, issuance, receipt for transmission or transmission of checks or money in any form.

Sec. 35.5. 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 NRS 657A.430 or 657A.620, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to chapter 657A of NRS.

13. A provider of earned wage access services who is licensed to provide earned wage access services pursuant to the chapter consisting of sections 2 to 33.5, inclusive, of this act.

Sec. 36. 1. On or before December 31, 2025, the Commissioner of Financial Institutions shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature which includes an analysis of and any recommendations concerning earned wage access services and potential changes to regulations governing earned wage access services that may be warranted.

2. As used in this section, “earned wage access services” has the meaning ascribed to it in section 7 of this act.

Sec. 36.1. 1. On or before September 30, 2023, the Commissioner shall prescribe the form and content of an application for a license to provide earned wage access services pursuant to sections 2 to 33.5, inclusive, of this act.

2. As used in this section, “earned wage access services” has the meaning ascribed to it in section 7 of this act.

Sec. 36.2. 1. Notwithstanding the amendatory provisions of this act, a person who, as of January 1, 2023, was engaged in the business of providing earned wage access services in this State may, until December 31, 2024, continue to engage in the business of providing earned wage access services in this State without obtaining a license pursuant to sections 2 to 33.5, inclusive, of this act if the person submits an application for such a license before January 1, 2024, and otherwise complies with this act.

2. As used in this section, “earned wage access services” has the meaning ascribed to it in section 7 of this act.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~36.1~~ 16, inclusive, and 18 to 36.2, inclusive, of this act become effective:

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

4 (b) On July 1, 2024, for all other purposes.

5 3. Section 17 of this act becomes effective on January 1, 2024.

6 4. Sections 1 to 13, inclusive, and 16 to 36, inclusive, of this act expire by
7 limitation on December 31, 2029.

8 5. Sections 14 and 15 of this act expire by limitation on the earlier of
9 December 31, 2029, or the date on which the provisions of 42 U.S.C. § 666
10 requiring each state to establish procedures under which the state has the authority
11 to withhold or suspend, or to restrict the use of professional, occupational and
12 recreational licenses of persons who:

13 (a) Have failed to comply with a subpoena or warrant relating to a proceeding
14 to determine the paternity of a child or to establish or enforce an obligation for the
15 support of a child; or

16 (b) Are in arrears in the payment of the support of one or more children,
17 ➤ are repealed by the Congress of the United States.