

**ADOPTED REGULATION OF THE
COMMISSIONER OF FINANCIAL INSTITUTIONS**

LCB File No. R097-23

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

AUTHORITY: §§ 1-5, 10, 11, 22 and 23, NRS 649.053; §§ 6-8, 14, 17-21 and 26, NRS 649.053 and 649.056; § 9, NRS 649.053 and 649.205, as amended by section 26.5 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599; § 12, NRS 649.053 and 649.295; § 13, NRS 649.053, 649.295, as amended by section 29 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599, and NRS 658.101; § 15, NRS 649.053 and 649.295, as amended by section 29 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599; § 16, NRS 649.053, 649.205, as amended by section 26.5 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599, and NRS 649.295, as amended by section 29 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599; § 24, NRS 649.053 and 649.215; § 25, NRS 649.053 and 649.297.

A REGULATION relating to collection agencies; defining certain terms relating to collection agencies; setting forth certain requirements for the sharing of a license of a collection agency; requiring a collection agency to provide the Division of Financial Institutions of the Department of Business Industry with certain information; revising certain fees related to collection agencies; revising certain requirements relating to the location of a collection agency; revising certain provisions relating to a compliance manager of a collection agency; repealing provisions governing foreign collection agencies and branch offices; making various other changes related to collection agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of collection agencies and collection agents. (Chapter 649 of NRS) Senate Bill No. 276 (S.B. 276) of the 2023 Legislative Session made various changes relating to the licensure and regulation of collection agencies and collection agents. (Chapter 534, Statutes of Nevada 2023, at page 3586) This regulation makes various changes to the Nevada Administrative Code for consistency with S.B. 276.

Existing law requires a collection agency to display certain information related to the collection agency and the compliance manager of the collection agency on any Internet website maintained by the collection agency. (Section 6 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.320)) **Section 5** of this regulation provides that to satisfy this requirement, a collection agency must display the information on the home page of its

Internet website or another page of its Internet website that is clearly and conspicuously accessible from the home page.

Existing law defines “debt buyer” as a person who is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims, including, without limitation, by personally collecting claims, hiring a third party to collect claims or hiring an attorney to engage in litigation for the purpose of collecting claims. (Section 3 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.031)) Existing law also authorizes a debt buyer to share a single license as a collection agency with a person affiliated with the debt buyer if the affiliated person does not engage in any collection activities other than purchasing claims. (NRS 649.075, as amended by section 18 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3594) **Section 6** of this regulation provides that: (1) the Division of Financial Institutions of the Department of Business and Industry must approve adding each such affiliated person to a single license; (2) the debt buyer is liable and responsible for any action of any such affiliated person who violates the provisions of law relating to collection agencies and collection agents; and (3) a debt buyer who shares a single license is required to submit certain information to the Commissioner of Financial Institutions upon request. **Section 2** of this regulation defines the term “affiliate.” **Section 3** of this regulation defines “Division” to mean the Division of Financial Institutions of the Department of Business and Industry.

Existing law establishes certain requirements governing collection agents who work from remote locations. (Sections 7-10 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at pages 3589-91 (NRS 649.310-649.313)) **Section 7** of this regulation prohibits a collection agent from working at a remote location that is outside of the United States. **Section 8** of this regulation requires a collection agency to provide the Division, upon request of the Commissioner: (1) certain information relating to collection agents who work from remote locations; (2) any recording of telephone calls performed by any collection agent conducting collection activities, regardless of whether the collection agent works from a remote collection; and (3) certain policies and procedures adopted by the collection agency.

Existing law requires the Commissioner to waive a compliance manager’s examination if the applicant for a compliance manager’s certificate and the collection agency that employs or seeks to employ the applicant are both certified by a national association that is a nonprofit with expertise in the business of collections which the Commissioner determines proves the competence of the applicant. (NRS 649.205, as amended by section 26.5 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599) **Section 9** of this regulation provides that the Commissioner will waive the examination if the applicant submits proof satisfactory to the Commissioner that the applicant’s certificate proves the competence of the applicant.

Section 10 of this regulation authorizes the Commissioner to request information deemed necessary to: (1) determine whether an applicant for a license as a collection agency or a certificate as a compliance manager meets the requirements for the license or certificate; or (2) investigate an alleged violation of the provisions of law related to collection agencies and collection agents.

Section 12 of this regulation: (1) requires a collection agency to allow the Commissioner to conduct an examination, audit or investigation of any accounts, books and records of the collection agency; and (2) authorizes the Commissioner to revoke the license of a collection agency that does not allow such an examination, audit or investigation.

S.B. 276 repealed provisions of the Nevada Revised Statutes governing foreign collection agencies and removed the requirement that previously required a permit to operate a branch office. (Section 52 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3610) **Sections 13-15, 22, 24 and 26** of this regulation eliminate obsolete provisions relating to foreign collection agencies and branch offices.

Existing regulations require an applicant for licensure as a collection agency to pay a nonrefundable application fee of \$375. Existing regulations further require such an applicant to pay an additional application fee of \$300, of which not more than \$150 may be refunded by the Commissioner on a prorated basis under certain circumstances. (NAC 649.120) **Section 15** provides instead that the additional application fee of \$300 is prorated on the basis of the licensing year, as provided by the Commissioner.

Existing regulations set forth certain fees for a compliance manager's certificate. (NAC 649.151) **Section 16** of this regulation revises such fees.

Existing regulations require the designated compliance manager of a collection agency to: (1) participate in the actual management, operation and administration of the agency; and (2) be available in person at the business address of the agency. (NAC 649.210) **Section 17** of this regulation requires instead that the designated compliance manager: (1) participate in the actual oversight and compliance of the collection agency; and (2) be available in person at the principal place of business of the agency.

Existing regulations prohibit a person from conducting business as a collection agency in this State unless the location of the collection agency complies with all applicable planning and zoning ordinances. (NAC 649.250) **Section 19** of this regulation provides instead that a person is prohibited from conducting business as a collection agency in this State unless the collection agency has a principal place of business that: (1) complies with all applicable planning and zoning ordinances; and (2) is located in the United States. **Section 4** of this regulation defines the term "principal place of business."

Existing regulations prohibit a collection agency or its compliance manager, agents or employees from using a fictitious name unless that name has been filed with the Commissioner on a form provided by the Commissioner. (NAC 649.260) **Section 20** of this regulation eliminates the requirement that the Commissioner acknowledge the receipt of such a form or notice within 5 days after receipt.

Section 21 of this regulation makes a technical correction to an internal reference to the Nevada Revised Statutes.

Existing regulations provide that the Commissioner will consider a violation of certain provisions of federal law by a collection agency or collection agent to be: (1) an act or omission inconsistent with the faithful discharge of the duties or obligations of a collection agency or collection agent; and (2) grounds for the suspension or revocation of the license of the collection agency or collection agent. (NAC 649.320) **Section 23** of this regulation makes such provisions also applicable to compliance managers.

Sections 16-18, 20, 22, 24 and 25 of this regulation revise the term "manager" to "compliance manager" for consistency with the changes enacted by S.B. 276.

Section 11 of this regulation makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Administrative Code.

Section 1. Chapter 649 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *“Affiliate” has the meaning ascribed to it in NRS 649.375.*

Sec. 3. *“Division” means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 4. *“Principal place of business” means the physical location of a collection agency where:*

1. The compliance manager of the collection agency performs his or her required functions and duties as prescribed by NRS 649.035, as amended by section 16 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3593, and NAC 649.210;

2. The officers and members of senior management of the collection agency:

(a) Direct, control and coordinate the business activities of the collection agency; and

(b) Oversee the daily operations of the collection agency; and

3. The books and records of the collection agency are maintained.

Sec. 5. *To satisfy the requirements of section 6 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.320), a collection agency must display the information required pursuant to that section on the home page of its Internet website or another page of its Internet website that is clearly and conspicuously accessible from the home page of its Internet website.*

Sec. 6. *1. Pursuant to subsection 4 of NRS 649.075, as amended by section 18 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3594, a debt buyer may share a single license as a collection agency with one or more persons affiliated with the debt buyer if:*

(a) Any such affiliated person purchases only claims and does not engage in any other collection activity, including, without limitation, employing a third party to collect a claim; and

(b) The Division approves the debt buyer adding each such affiliated person to the license of the debt buyer.

2. If a debt buyer shares a single license with one or more affiliated persons, the debt buyer is liable and responsible for any action of any such affiliated person who violates a provision of this chapter or chapter 649 of NRS. The debt buyer:

(a) Must promptly notify the Division if the debt buyer no longer wants to share a single license with an affiliated person; and

(b) Is liable and responsible for any action of an affiliated person until the Division receives the notification required pursuant to paragraph (a).

3. Upon request of the Commissioner, a debt buyer that shares a single license shall submit with its annual report filed with the Commissioner pursuant to NRS 649.345, as amended by section 36 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3603, a list of all affiliated persons with whom the debt buyer shares the license.

Sec. 7. A collection agent shall not work from a remote location that is outside of the United States.

Sec. 8. Upon request of the Commissioner, a collection agency shall provide to the Division:

1. Evidence that a collection agent working from a remote location has complied with the requirements set forth in section 7 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.310). Such evidence includes, without limitation:

(a) A copy of the signed written agreement described in subsection 1 of section 7 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 6449.310);

(b) A description of the program of training that the collection agent completed pursuant to subsection 2 of section 7 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.310), including the date on which the collection agent completed such training; and

(c) The dates on which the collection agent worked for the collection agency under the direct oversight and mentoring from a supervisor pursuant to subsection 3 of section 7 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.310);

2. The date on which the collection agent began working from the remote location;

3. Evidence that the collection agent working from a remote location and the remote location from which the collection agent works complies with the requirements set forth in section 8 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3589 (NRS 649.311);

4. The written security policy developed and implemented by the collection agency pursuant to section 9 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3590 (NRS 649.312);

5. The record of collection agents who are authorized to work from a remote location maintained pursuant to paragraph (a) of subsection 4 of section 10 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3591 (NRS 649.313);

6. Any recording of telephone calls performed by any collection agent conducting collection activities, regardless of whether the collection agent works from a remote location; and

7. The policies and procedures that govern the collection operations of the collection agency.

Sec. 9. The Commissioner will waive the examination for an applicant for a compliance manager's certificate pursuant to subsection 4 of NRS 649.205, as amended by section 26.5 of Senate Bill No. 276, chapter 534, Statutes of Nevada 2023, at page 3599, if the applicant submits proof satisfactory to the Commissioner that the applicant's certificate from the national association that is a nonprofit with expertise in the business of collections proves the competence of the applicant.

Sec. 10. The Commissioner may request information deemed necessary to:

1. Determine whether an applicant for a license as a collection agency or a certificate as a compliance manager meets the requirements of this chapter and chapter 649 of NRS; and

2. Investigate an alleged violation of the provisions of this chapter or chapter 649 of NRS.

Sec. 11. NAC 649.010 is hereby amended to read as follows:

649.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 649.013 to 649.040, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 12. NAC 649.060 is hereby amended to read as follows:

649.060 1. *A collection agency shall allow the Commissioner to conduct an examination, audit or investigation of any accounts, books and records of the collection agency at any time. The Commissioner may revoke the license of a collection agency that does not allow him or her to conduct an examination, audit or investigation of any such accounts, books and records.*

2. The Commissioner ~~{of Financial Institutions}~~ will charge and collect a fee of \$75 per hour from each collection agency for any supervision, examination, audit, investigation or hearing conducted pursuant to *this chapter and* chapter 649 of NRS ~~†~~

~~2.†~~, *including, without limitation, any examination, audit or investigation conducted pursuant to subsection 1.*

3. The Commissioner will bill each collection agency upon the completion of the activity for the fee established in subsection ~~††~~ 2. The fee must be paid within 30 days after the date on which the bill is received. In addition to any other fee allowed by this chapter or chapter 649 of NRS, and except as otherwise provided in this subsection, any payment received after that date must include a penalty of 10 percent of the fee plus an additional 1 percent of the fee for each month, or portion of a month, that the fee is not paid. The Commissioner may waive the penalty for good cause.

~~†3.†~~ 4. Failure of a collection agency to pay the fee required in subsection ~~††~~ 2 as provided in this section constitutes grounds for revocation of its license.

Sec. 13. NAC 649.076 is hereby amended to read as follows:

649.076 ~~†1.—A foreign collection agency shall allow the examination, investigation or audit of any accounts, books and records by the Commissioner of Financial Institutions at any time. The Commissioner may revoke the certificate of a foreign collection agency that does not allow him or her to conduct an examination, investigation or audit of any accounts, books and records.~~

~~—2.†~~ In addition to all fees required by this chapter and chapter 649 of NRS, a ~~{foreign}~~ collection agency shall pay ~~{for}~~ the ~~{actual costs}~~ *reasonable expenses* for travel ~~{in connection with}~~, *meals and lodging of the Commissioner or a representative of the Commissioner incurred during* any examination, investigation or audit ~~{conducted by the Commissioner.}~~

made at an office or principal place of business of the collection agency which is located outside of this State.

Sec. 14. NAC 649.081 is hereby amended to read as follows:

649.081 Each collection agency ~~{and foreign collection agency}~~ shall provide to the Commissioner , ~~{of Financial Institutions,}~~ annually and before renewal of its license , ~~{or certificate, as applicable,}~~ a copy of all trust account statements , *as applicable*, and a report of its financial standing which must be prepared by a licensed certified public accountant who is in good standing in the state where the report is prepared.

Sec. 15. NAC 649.120 is hereby amended to read as follows:

649.120 1. An application for licensure as a collection agency must be accompanied by a nonrefundable application fee of \$375.

2. The applicant must pay an additional application fee of \$300 , *prorated on the basis of the licensing year, as provided by the Commissioner*, for each original license issued . ~~{of which not more than \$150 may be refunded by the Commissioner of Financial Institutions on a prorated basis if:~~

~~—(a) The applicant withdraws his or her application before the Commissioner takes action on the application;~~

~~—(b) The Commissioner deems the application withdrawn pursuant to NRS 649.196 because the applicant did not submit all required information and fees within the time specified; or~~

~~—(c) The licensee surrenders his or her license during his or her first year of licensure.}~~

3. A collection agency shall pay the following fees:

(a) To renew a license, \$375; *and*

(b) For ~~{a duplicate license or}~~ a license for a transfer of location, \$15 . ~~{~~

~~(c) For each application for a permit to operate a branch office of a licensed collection agency, \$190; and~~

~~—(d) To renew a permit to operate a branch office of a licensed collection agency, \$150.]~~

Sec. 16. NAC 649.151 is hereby amended to read as follows:

649.151 1. An application for a *compliance* manager's certificate must be accompanied by:

(a) A nonrefundable fee of ~~[\$190;]~~ *\$300*; and

(b) A nonrefundable investigation fee of ~~[\$115;]~~ *\$150*.

2. An applicant must pay an additional application fee of ~~[\$30]~~ *\$35* for issuance of the certificate.

3. The annual renewal fee for a *compliance* manager's certificate is ~~[\$30;]~~ *\$35*.

4. For each *compliance* manager's certificate that is reinstated, the holder of the certificate shall pay a fee of ~~[\$45;]~~ *\$50*.

5. An applicant who does not pass the examination *provided for in NRS 649.205* and wishes to reapply must pay a reexamination fee of \$100 for each subsequent examination.

Sec. 17. NAC 649.210 is hereby amended to read as follows:

649.210 1. The person who holds a valid *compliance* manager's certificate and who is the designated *compliance* manager of a collection agency must have direct supervisory responsibility for employees who engage in collections in this State and must participate in the actual ~~[management, operation and administration]~~ *oversight and compliance* of the ~~[licensed]~~ *collection* agency.

2. The *compliance* manager must be available in person at the *principal place of* business ~~[address]~~ of the agency in order to perform his or her required functions and duties.

Sec. 18. NAC 649.230 is hereby amended to read as follows:

649.230 Each *compliance* manager holding a *compliance* manager's certificate issued pursuant to chapter 649 of NRS shall notify the Commissioner ~~{of Financial Institutions}~~ in writing of any change of employment within 10 days after the change.

Sec. 19. NAC 649.250 is hereby amended to read as follows:

649.250 A person shall not conduct business as a collection agency in this State unless:

1. The person possesses each license or permit required by this chapter, chapter 649 of NRS or a local governmental entity; and

2. The ~~{location of the}~~ collection agency ~~{complies}~~ *has a principal place of business that:*

(a) Complies with all applicable planning and zoning ordinances ~~{}~~; *and*

(b) Is located in the United States.

Sec. 20. NAC 649.260 is hereby amended to read as follows:

649.260 1. A collection agency, or its *compliance* manager, agents or employees, shall not use a fictitious name in the collection of a ~~{debt}~~ *claim* unless that name has been filed with the Commissioner ~~{of Financial Institutions}~~ on a form provided by the Commissioner.

2. A *compliance* manager, agent or employee who has filed for the use of a fictitious name shall not use that fictitious name in association with another collection agency unless the Commissioner ~~{of Financial Institutions}~~ has been notified in writing of the change in association.

~~{3. The Commissioner of Financial Institutions shall, within 5 days after receiving a form or notice pursuant to this section, acknowledge its receipt.}~~

Sec. 21. NAC 649.270 is hereby amended to read as follows:

649.270 Each bank or credit union in which a collection agency maintains a separate account for purposes of NRS 649.355 must be insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS ~~678.755.~~ **672.755.**

Sec. 22. NAC 649.310 is hereby amended to read as follows:

649.310 1. If a collection agency, ~~{foreign collection agency or person with a manager's certificate, or}~~ an authorized representative of that collection agency ~~{, foreign collection agency or manager,}~~ **or a compliance manager** fails to file a verified answer to a complaint within the time prescribed by the Commissioner ~~{of Financial Institutions}~~ pursuant to NRS 649.385, the collection agency ~~{, foreign collection agency}~~ **or compliance manager, as applicable,** is deemed to have admitted to the allegations contained in the complaint.

2. Subject to the discretion of the Commissioner and except as otherwise provided in NRS 649.067 or other specific statute, a complaint filed with the Division, ~~{of Financial Institutions of the Department of Business and Industry,}~~ any documents filed with the complaint ~~{,}~~ and any report or information resulting from an investigation of a complaint are confidential.

Sec. 23. NAC 649.320 is hereby amended to read as follows:

649.320 The Commissioner ~~{of Financial Institutions}~~ will consider a violation by any collection agency, ~~{or}~~ collection agent **or compliance manager** of any of the provisions of 15 U.S.C. §§ 1692b to 1692j, inclusive, as those sections existed on July 1, 1986, to be an act or omission inconsistent with the faithful discharge of the duties or obligations of a collection agency, ~~{or}~~ collection agent **or compliance manager** and grounds for the suspension or revocation of the license **or certificate** of the collection agency, ~~{or}~~ collection agent ~~{,}~~ **or compliance manager, as applicable.**

Sec. 24. NAC 649.330 is hereby amended to read as follows:

649.330 The Commissioner ~~{of Financial Institutions}~~ may revoke or suspend the license of a collection agency ~~{, the certificate of registration of a foreign collection agency}~~ or a *compliance* manager's certificate if the collection agency ~~{, foreign collection agency}~~ or *compliance* manager, *as applicable*, violates any provision of this chapter or *chapter 649 of NRS, {649.305 to 649.375, inclusive,}* including, without limitation, a provision that imposes a fee or assessment. A revocation or suspension of a license or certificate must be made in accordance with the procedures set forth in chapter 649 of NRS.

Sec. 25. NAC 649.340 is hereby amended to read as follows:

649.340 The holder of a license or a *compliance* manager's certificate who fails to submit a report required pursuant to this chapter or chapter 649 of NRS on or before the applicable due date for the report will be fined \$10 per day until the report is properly submitted to the Commissioner. ~~{of Financial Institutions.}~~

Sec. 26. NAC 649.017, 649.086, 649.105, 649.130, 649.135, 649.140, 649.160 and 649.220 are hereby repealed.

TEXT OF REPEALED SECTIONS

649.017 “Foreign collection agency” defined. (NRS 649.053) “Foreign collection agency” means a person or entity which holds a certificate of registration pursuant to NRS 649.171.

649.086 Public inspection of written instruments filed with Division of Financial Institutions. (NRS 649.053, 649.065) Except as otherwise provided in NAC 649.310 or by specific statute, all papers, documents, reports and other written instruments filed with the Division of Financial Institutions of the Department of Business and Industry pursuant to this chapter and chapter 649 of NRS are open to public inspection unless the Commissioner of Financial Institutions determines that the information is required to be withheld to protect the public welfare or the welfare of a collection agency, foreign collection agency or manager, as applicable.

649.105 Exemption from requirement to obtain license. (NRS 649.053, 649.075) A person who is not required to obtain a license as set forth in NRS 649.075 must obtain an exemption from the Commissioner of Financial Institutions certifying that he or she is not required to obtain a license. The exemption must be obtained before the person engages in collection activities governed by chapter 649 of NRS.

649.130 Branch offices: Filing and contents of application for permit to operate. (NRS 649.053, 649.167) An application for a permit to operate a branch office must be filed with the Commissioner of Financial Institutions on a form provided by the Commissioner. The application must contain:

1. The information required by subsection 2 of NRS 649.095 for an application for a license;
2. The number of the account maintained pursuant to subsection 2 of NRS 649.355, and the name and address of the bank where the account is maintained; and
3. Proof that the manager named in the application holds a current manager's certificate issued by the Commissioner of Financial Institutions.

649.135 Branch offices: Arrangements required for maintenance of records and trust account. (NRS 649.053, 649.054, 649.056, 649.167) The Commissioner of Financial Institutions will not issue a permit to operate a branch office in a state other than Nevada until the Commissioner is satisfied that the applicant has made appropriate arrangements for:

1. The storage, maintenance and retention in this State of all records regarding the collection of claims for or from residents of this State; and
2. The maintenance of an account pursuant to NRS 649.355 for the deposit of all money collected for or from residents of this State.

649.140 Branch offices: Appointment of Commissioner of Financial Institutions as agent for service of process. (NRS 649.053, 649.167)

1. The Commissioner of Financial Institutions will not issue a permit to operate a branch office for which the manager is not a resident of this State until the manager has appointed in writing the Commissioner to be his or her agent, in any action or proceeding against him or her

concerning chapter 649 of NRS, upon whom all process may be served. In this writing, the manager must agree that any process against the manager which is served on the Commissioner is of the same legal validity as if it had been served on him or her and state that the appointment continues in force as long as any liability remains outstanding against him or her in this State. The appointment must contain a stipulation agreeing to venue for any proceeding concerning chapter 649 of NRS in any judicial or administrative district in this State without regard to the location of the residence of the manager or the principal place of business of the collection agency. The appointment must be acknowledged before an officer authorized to take acknowledgments of deeds and must be filed in the office of the Commissioner. A copy of the appointment which is certified by the Commissioner is sufficient evidence of the appointment and agreement.

2. When any process is served upon the Commissioner pursuant to this section, the Commissioner shall mail the process by certified mail to the last known address of the manager. Service is complete upon the mailing. The manner of serving process described in this subsection does not affect the validity of any other service authorized by law.

649.160 Foreign collection agencies: Fees; reinstatement of expired or revoked certificate; transferability of certificate. (NRS 649.053, 649.171)

1. An application for a certificate of registration as a foreign collection agency must be accompanied by an application fee of \$500. The Commissioner of Financial Institutions may refund not more than \$300 of the fee on a prorated basis if:

(a) The applicant withdraws his or her application before the Commissioner takes action on the application;

(b) The Commissioner withdraws the application because the applicant did not submit all information and fees within the time specified; or

(c) The foreign collection agency surrenders its certificate of registration during its first year of registration.

2. The holder of a certificate of registration as a foreign collection agency must pay a fee of \$200 to renew the certificate of registration.

3. A certificate of registration as a foreign collection agency must not be reinstated after it expires or has been revoked by the Commissioner.

4. A certificate of registration as a foreign collection agency is not transferable.

649.220 Restrictions on service for multiple agencies. (NRS 649.053, 649.056)

1. No person may serve as manager of more than one primary collection agency at the same time.

2. No person may serve as manager of more than one secondary collection agency at the same time.

3. At the discretion of the Commissioner of Financial Institutions, upon application and his or her written approval first obtained, a manager of a collection agency may serve as manager of one primary collection agency and one secondary collection agency at the same time.

4. The approval may be revoked by the Commissioner at any time if he or she finds that:

(a) Confusion may exist in the mind of the public in dealing with the collection agencies having common management.

(b) The various business functions of the collection agencies operating under common management are likely to be or are being merged or commingled, or are otherwise being

conducted, in the Commissioner's opinion, in a manner which may be deleterious or damaging to the best interests of the public or the collection agency industry.

(c) Improper or abusive collection methods are being used by either or both of the collection agencies operating under common management.

(d) Either or both of the collection agencies operating under common management are not conducting their affairs in compliance with chapter 649 of NRS or any of the regulations of the Commissioner adopted under that chapter.

(e) Insufficient time is being devoted by the manager to the affairs of one or the other collection agencies operating under common management.