

ASSEMBLY BILL NO. 475—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing the financial administration of the Real Estate Division of the Department of Business and Industry. (BDR 54-1171)

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

~

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

AN ACT relating to real estate; revising provisions governing the retention and deposit of certain surplus fees by the Real Estate Division of the Department of Business and Industry; decreasing certain fees charged by the Division; revising provisions governing certain licenses issued by the Division; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that: (1) the initial period of licensure for an
2 original license as a real estate broker, broker-salesperson or salesperson is 24
3 months beginning on the first day of the first calendar month after the
4 original license is issued by the Real Estate Division of the Department of
5 Business and Industry; and (2) each subsequent period of licensure is 48
6 consecutive months. Existing law also provides that any other licenses issued
7 pursuant to chapter 645 of NRS are issued for a period of 48 consecutive months.
8 (NRS 645.780) **Sections 2 and 3** of this bill reduce the period of initial licensure
9 for a license as a real estate broker, broker-salesperson or salesperson from 24 to 12
10 consecutive months and each subsequent period of licensure from 48 to 24
11 consecutive months. **Section 3** also decreases the period of licensure for
12 other licenses issued by the Division from 48 to 24 consecutive months.
13 **Section 13** of this bill provides that existing licenses issued by the Division before
14 July 1, 2015, do not need to be renewed until the expiration date listed on the
15 license.



16 **Section 4** of this bill reduces the fee for issuance or renewal of a license as a
17 broker, broker-salesperson, salesperson or branch office and the penalty for the late
18 filing of a renewal for such licenses.

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

1 **Section 1.** NRS 645.140 is hereby amended to read as follows:
2 645.140 1. Except as otherwise provided in this section, all
3 fees, penalties and charges received by the Division pursuant to
4 NRS 645.410, 645.660 and 645.830 must be deposited with the
5 State Treasurer for credit to the State General Fund.

6 **2.** The fees received by the Division:
7 (a) From the sale of publications ~~§~~ must be retained by the
8 Division to pay the costs of printing and distributing publications.

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

11 ↪ Any surplus of the fees retained by the Division *for the*
12 *administration of examinations* must be deposited with the State
13 Treasurer for credit to the State General Fund.

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

17 ~~§~~ **4.** Each member of the Commission is entitled to receive:
18 (a) A salary of not more than \$150 per day, as fixed by the
19 Commission, while engaged in the business of the Commission; and
20 (b) A per diem allowance and travel expenses at a rate fixed by
21 the Commission, while engaged in the business of the Commission.

22 The rate must not exceed the rate provided for state officers and
23 employees generally.
24 ~~§~~ **5.** While engaged in the business of the Commission, each
25 employee of the Commission is entitled to receive a per diem
26 allowance and travel expenses at a rate fixed by the Commission.
27 The rate must not exceed the rate provided for state officers and
28 employees generally.

29 **Sec. 2.** NRS 645.490 is hereby amended to read as follows:
30 645.490 1. Upon satisfactorily passing the written
31 examination and upon complying with all other provisions of law
32 and conditions of this chapter, a license shall thereupon be granted
33 by the Division to the successful applicant therefor as a real estate
34 broker, broker-salesperson or salesperson, and the applicant, upon
35 receiving the license, may conduct the business of a real estate
36 broker, broker-salesperson or salesperson in this State.

37 2. The Division shall issue licenses as a real estate broker,
38 broker-salesperson or salesperson to all applicants who qualify and



1 comply with all provisions of law and all requirements of this
2 chapter.

3 3. Except as otherwise provided in NRS 645.785:

4 (a) An original license as a real estate broker, broker-salesperson
5 or salesperson must be renewed with the Division before the
6 expiration of the initial license period of ~~[24]~~ 12 consecutive months
7 as prescribed in NRS 645.780; and

8 (b) Thereafter, the license must be renewed with the Division
9 before the expiration of each subsequent license period of ~~[48]~~ 24
10 consecutive months as prescribed in NRS 645.780.

11 **Sec. 3.** NRS 645.780 is hereby amended to read as follows:

12 645.780 1. Each license issued under the provisions of this
13 chapter expires at midnight on the last day of the last month of the
14 applicable license period for the license.

15 2. The initial license period for an original license as a real
16 estate broker, broker-salesperson or salesperson is a period of ~~[24]~~
17 12 consecutive months beginning on the first day of the first
18 calendar month after the original license is issued by the Division.
19 Thereafter, each subsequent license period is a period of ~~[48]~~ 24
20 consecutive months beginning on the first day of the first calendar
21 month after a renewal of the license is issued by the Division for the
22 subsequent license period.

23 3. For all other licenses, the license period is a period of ~~[48]~~
24 24 consecutive months beginning on the first day of the first
25 calendar month after the license or any renewal of the license is
26 issued by the Division, unless a specific statute:

27 (a) Provides for a different license period; or

28 (b) Expressly authorizes a different license period to be provided
29 for by regulation.

30 4. The Division may:

31 (a) Create and maintain a secure website on the Internet through
32 which each license, permit, certificate or registration issued pursuant
33 to the provisions of this chapter may be renewed; and

34 (b) For each license, permit, certificate or registration renewed
35 through the use of a website created and maintained pursuant to
36 paragraph (a), charge a fee in addition to any other fee provided for
37 pursuant to this chapter which must not exceed the actual cost to the
38 Division for providing that service.

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

40 645.830 1. The following fees must be charged by and paid
41 to the Division:

42
43
44
45

For each original real estate broker's,
broker-salesperson's or corporate
broker's license ~~[\$210]~~ \$105



1	For each original real estate salesperson's	
2	license.....	[\$170] \$85
3	For each original branch office license	[\$240] 120
4	For real estate education, research and	
5	recovery to be paid at the time an	
6	application for an original license is filed	40
7	For real estate education, research and	
8	recovery to be paid at the time an	
9	application for renewal of a license is	
10	filed	[\$80] 40
11	For each renewal of a real estate broker's,	
12	broker-salesperson's or corporate	
13	broker's license	[\$360] 180
14	For each renewal of a real estate	
15	salesperson's license	[\$280] 140
16	For each renewal of a real estate branch	
17	office license	[\$220] 110
18	For each penalty for late filing of a renewal	
19	for a broker's, broker-salesperson's or	
20	corporate broker's license	[\$180] 95
21	For each penalty for late filing of a renewal	
22	for a salesperson's license.....	[\$140] 75
23	For each change of name or address.....	20
24	For each transfer of a real estate	
25	salesperson's or broker-salesperson's	
26	license and change of association or	
27	employment.....	20
28	For each duplicate license where the original	
29	license is lost or destroyed, and an	
30	affidavit is made thereof.....	20
31	For each change of broker status from	
32	broker to broker-salesperson	20
33	For each change of broker status from	
34	broker-salesperson to broker	40
35	For each reinstatement to active status of an	
36	inactive real estate broker's, broker-	
37	salesperson's or salesperson's license.....	20
38	For each reinstatement of a real estate	
39	broker's license when the licensee fails	
40	to give immediate written notice to the	
41	Division of a change of name or business	
42	location.....	30



1 For each reinstatement of a real estate
2 salesperson's or broker-salesperson's
3 license when he or she fails to notify the
4 Division of a change of broker within 30
5 days of termination by previous broker..... \$30
6 For each original registration of an
7 owner-developer..... 125
8 For each annual renewal of a registration of
9 an owner-developer..... 125
10 For each enlargement of the area of an
11 owner-developer's registration..... 50
12 For each cooperative certificate issued to an
13 out-of-state broker licensee for 1 year or
14 fraction thereof 150
15 For each original accreditation of a course of
16 continuing education 100
17 For each renewal of accreditation of a
18 course of continuing education 50
19 For each annual approval of a course of
20 instruction offered in preparation for an
21 original license or permit..... 100
22

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

- 26 (a) Any university, state college or community college of the
27 Nevada System of Higher Education.
- 28 (b) Any agency of the State.
- 29 (c) Any regulatory agency of the Federal Government.

30 3. The Commission shall adopt regulations which establish the
31 fees to be charged and collected by the Division to pay the costs of
32 any investigation of a person's background.

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

34 645C.240 1. Except as otherwise provided in subsections 2
35 and 3, all fees, penalties and other charges received by the Division
36 pursuant to this chapter must be deposited with the State Treasurer
37 for credit to the State General Fund.

38 2. Fees received by the Division:

- 39 (a) From the sale of publications $\frac{1}{2}$ must be retained by the
40 Division to pay the costs of printing and distributing publications.
- 41 (b) For examinations $\frac{1}{2}$ must be retained by the Division to pay
42 the costs of the administration of examinations.

43 ➔ Any surplus of the fees retained by the Division *for the*
44 *administration of examinations* must be deposited with the State
45 Treasurer for credit to the State General Fund.



1 3. The portion of the fees collected by the Division pursuant to
2 NRS 645C.450 for the issuance or renewal of a certificate or license
3 as a residential appraiser or the issuance or renewal of a certificate
4 as a general appraiser which is used for payment of the registry
5 fee to the *Federal* Financial Institutions Examination Council
6 pursuant to 12 U.S.C. § 3338, must be retained by the Division for
7 payment to the *Federal* Financial Institutions Examination Council.

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

12 **Sec. 6.** NRS 645D.140 is hereby amended to read as follows:

13 645D.140 1. All fees, penalties and other charges received by
14 the Division pursuant to this chapter must be deposited with the
15 State Treasurer for credit to the State General Fund.

16 2. Money for the support of the Division in carrying out the
17 provisions of this chapter must be provided by direct legislative
18 appropriation and be paid out on claims as other claims against the
19 State are paid. *The Commission and the Division shall deposit any
20 money collected from the imposition of any administrative fine or
21 penalty pursuant to this chapter with the State Treasurer for credit
22 to the State General Fund. The Commission or Division may
23 present a claim to the State Board of Examiners for
24 recommendation to the Interim Finance Committee if money is
25 required to pay attorney's fees or the costs of an investigation, or
26 both.*

27 **Sec. 7.** (Deleted by amendment.)

28 **Sec. 8.** NRS 116.620 is hereby amended to read as follows:

29 116.620 1. Except as otherwise provided in this section and
30 within the limits of legislative appropriations ~~and~~ *and any other
31 money available for this purpose*, the Division may employ experts,
32 attorneys, investigators, consultants and other personnel as are
33 necessary to carry out the provisions of this chapter.

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

37 3. The Attorney General shall render to the Commission and
38 the Division opinions upon all questions of law relating to the
39 construction or interpretation of this chapter, or arising in the
40 administration thereof, that may be submitted to the Attorney
41 General by the Commission or the Division.

42 **Sec. 9.** NRS 116A.210 is hereby amended to read as follows:

43 116A.210 1. Except as otherwise provided in this section and
44 within the limits of legislative appropriations ~~and~~ *and any other
45 money available for this purpose*, the Division may employ experts,



1 attorneys, investigators, consultants and other personnel as are
2 necessary to carry out the provisions of this chapter.

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

6 3. The Attorney General shall render to the Commission and
7 the Division opinions upon all questions of law relating to the
8 construction or interpretation of this chapter, or arising in the
9 administration thereof, that may be submitted to the Attorney
10 General by the Commission or the Division.

11 **Sec. 10.** (Deleted by amendment.)

12 **Sec. 11.** NRS 116B.810 is hereby amended to read as follows:

13 116B.810 1. Except as otherwise provided in this section and
14 within the limits of legislative appropriations ~~§~~ *and any other*
15 *money available for this purpose*, the Division may employ experts,
16 attorneys, investigators, consultants and other personnel as are
17 necessary to carry out the provisions of this chapter.

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

21 3. The Attorney General shall render to the Commission and
22 the Division opinions upon all questions of law relating to the
23 construction or interpretation of this chapter, or arising in the
24 administration thereof, that may be submitted to the Attorney
25 General by the Commission or the Division.

26 **Sec. 12.** (Deleted by amendment.)

27 **Sec. 13.** Notwithstanding the amendatory provisions of
28 sections 2 and 3 of this act, the holder of a license issued or renewed
29 by the Real Estate Division of the Department of Business and
30 Industry pursuant to NRS 645.490 or 645.830 before July 1, 2015, is
31 not required to renew the license until the expiration date set forth
32 on the license.

33 **Sec. 14.** (Deleted by amendment.)

34 **Sec. 15.** This act becomes effective on July 1, 2015.

