

EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 515—ASSEMBLYMEN FRIERSON AND SWANK

MAY 25, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing payday lending.
(BDR 52-1227)

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 the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans and title loans made to customers in this State; providing that information in such a database is confidential under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes standards and procedures for the licensing and
2 regulation of certain short-term loans, commonly referred to as “payday loans,”
3 high-interest loans and title loans. (Chapter 604A of NRS)

4 **Section 1** of this bill requires the Commissioner of Financial Institutions to
5 develop, implement and maintain, by contract with a vendor or service provider or
6 otherwise, a database of all deferred deposit loans and title loans in this State.
7 Under **section 1**, a licensee who makes such loans must enter and update certain
8 information concerning each deferred deposit loan and title loan made by the
9 licensee. **Section 1** further requires the Commissioner to establish a fee which must
10 be charged and collected by the vendor or service provider from a licensee who is
11 required to enter information into the database. The fee must be used to pay for the
12 administration and operation of the database. Finally, **sections 1 and 2** of this bill
13 provide that information in the database or obtained by the Commissioner from the
14 database is confidential, except that the Commissioner may use such information
15 for statistical purposes if the identity of a person is not discernible from the
16 information disclosed.

17 **Section 3** of this bill provides that the provisions of this bill do not apply to any
18 loan made before October 1, 2017.



* A B 5 1 5 *

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

1 **Section 1.** Chapter 604A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 1. *The Commissioner shall, by contract with a vendor or*
4 *service provider or otherwise, develop, implement and maintain a*
5 *database by which the Commissioner may generate a report*
6 *related to deferred deposit loans or title loans made by licensees to*
7 *customers in this State which includes, without limitation:*

8 (a) *Whether a customer has a deferred deposit loan or title*
9 *loan outstanding with more than one licensee;*

10 (b) *Whether a customer has had such a loan outstanding with*
11 *one or more licensees within the 30 days immediately preceding*
12 *the making of a loan;*

13 (c) *Whether a customer has had a total of three or more such*
14 *loans outstanding with one or more licensees within the 6 months*
15 *immediately preceding the making of the loan; and*

16 (d) *Any other information necessary to comply with the*
17 *provisions of this chapter.*

18 2. *After the development and implementation of the database*
19 *created pursuant to subsection 1, a licensee who makes a deferred*
20 *deposit loan or title loan shall enter or update the following*
21 *information in the database for each such loan made to a*
22 *customer at the time a transaction takes place:*

23 (a) *The date on which the loan was made;*

24 (b) *The type of loan made;*

25 (c) *The principal amount of the loan;*

26 (d) *The fees charged for the loan;*

27 (e) *The annual percentage rate of the loan;*

28 (f) *The total finance charge associated with the loan;*

29 (g) *If the customer defaults on the loan, the date of default;*

30 (h) *If the customer enters into a repayment plan pursuant to*
31 *NRS 604A.475, the date on which the customer enters into the*
32 *repayment plan; and*

33 (i) *The date on which the customer pays the loan in full.*

34 3. *The Commissioner shall establish, and cause the vendor or*
35 *service provider administering the database created pursuant to*
36 *subsection 1 to charge and collect, a fee for each loan entered into*
37 *the database by the licensee. The money collected pursuant to this*
38 *subsection must be used to pay for the operation and*
39 *administration of the database.*

40 4. *Except as otherwise provided in this subsection, any*
41 *information in the database created pursuant to subsection 1 is*
42 *confidential and shall not be considered a public book or record*



1 *pursuant to NRS 239.010. The information may be used by the*
2 *Commissioner for statistical purposes if the identity of the persons*
3 *is not discernible from the information disclosed.*

4 **5. The Commissioner shall adopt regulations that:**

5 **(a) Prescribe the specifications for the information entered**
6 **into the database created pursuant to subsection 1;**

7 **(b) Establish standards for the retention, access, reporting,**
8 **archiving and deletion of information entered into or stored by the**
9 **database;**

10 **(c) Establish the amount of the fee required pursuant to**
11 **subsection 3; and**

12 **(d) Are necessary for the administration of the database.**

13 **Sec. 2.** NRS 239.010 is hereby amended to read as follows:

14 239.010 1. Except as otherwise provided in this section and
15 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
16 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
17 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
18 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
19 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
20 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
21 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
22 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
23 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
24 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
25 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
26 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
27 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
28 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
29 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
30 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
31 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
32 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
33 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
34 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
35 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
36 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
37 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
38 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
39 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
40 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
41 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
42 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
43 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
44 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
45 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,



1 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
2 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
3 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
4 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
5 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
6 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
7 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
8 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
9 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
10 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
11 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
12 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
13 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
14 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
15 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
16 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
17 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
18 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
19 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
20 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
21 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
22 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
23 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
24 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
25 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
26 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
27 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
28 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
29 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
30 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
31 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
32 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
33 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
34 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
35 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41
36 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
37 391, Statutes of Nevada 2013 and unless otherwise declared by law
38 to be confidential, all public books and public records of a
39 governmental entity must be open at all times during office hours to
40 inspection by any person, and may be fully copied or an abstract or
41 memorandum may be prepared from those public books and public
42 records. Any such copies, abstracts or memoranda may be used to
43 supply the general public with copies, abstracts or memoranda of the
44 records or may be used in any other way to the advantage of the
45 governmental entity or of the general public. This section does not



1 supersede or in any manner affect the federal laws governing
2 copyrights or enlarge, diminish or affect in any other manner the
3 rights of a person in any written book or record which is
4 copyrighted pursuant to federal law.

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

7 3. A governmental entity that has legal custody or control of a
8 public book or record shall not deny a request made pursuant to
9 subsection 1 to inspect or copy or receive a copy of a public book or
10 record on the basis that the requested public book or record contains
11 information that is confidential if the governmental entity can
12 redact, delete, conceal or separate the confidential information from
13 the information included in the public book or record that is not
14 otherwise confidential.

15 4. A person may request a copy of a public record in any
16 medium in which the public record is readily available. An officer,
17 employee or agent of a governmental entity who has legal custody
18 or control of a public record:

19 (a) Shall not refuse to provide a copy of that public record in a
20 readily available medium because the officer, employee or agent has
21 already prepared or would prefer to provide the copy in a different
22 medium.

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

27 **Sec. 3.** The provisions of this act do not apply to any contract
28 or agreement entered into pursuant to chapter 604A of NRS before
29 October 1, 2017, and any such contract or agreement remains in
30 effect in accordance with the provisions of the contract or
31 agreement.

32 **Sec. 4.** This act becomes effective:

33 1. Upon passage and approval for the purpose of adopting any
34 regulations and performing any other preparatory administrative
35 tasks that are necessary to carry out the provisions of this act; and

36 2. On October 1, 2017, for all other purposes.

