

ASSEMBLY BILL NO. 481—COMMITTEE ON
GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE CONTROLLER)

MARCH 24, 2003

Referred to Concurrent Committees on Government
Affairs and Ways and Means

SUMMARY—Makes various changes concerning state financial
administration. (BDR 31-101)

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 state financial administration; providing for the suspension, cancellation or refusal to renew certain licenses, permits or registrations of persons who are in default of a debt owed to certain state agencies or to the State of Nevada; requiring the State Controller to adopt regulations establishing the fees that must be charged by certain state agencies for returned checks and drafts; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 353C of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1.** *Except as otherwise provided in this section,*
- 4 *upon the determination that a debt owed by a person to an agency*
- 5 *or the State of Nevada is in default, the State Controller shall*
- 6 *notify each agency which has issued a license, permit or*
- 7 *registration to the person.*
- 8 **2.** *If an agency receives a notice from the State Controller*
- 9 *pursuant to subsection 1 that a person to whom the agency has*
- 10 *issued a license, permit or registration is in default on a debt owed*



1 to an agency or the State of Nevada, the agency shall send a
2 written notice to that person advising him that his license, permit
3 or registration is subject to suspension, cancellation or refusal to
4 renew. The notice must include:

5 (a) The reason for the suspension, cancellation or refusal to
6 renew the license, permit or registration;

7 (b) The text of this section; and

8 (c) Any other information that the agency deems necessary.

9 3. After sending the written notice required pursuant to
10 subsection 2, the agency may suspend, cancel or refuse to renew
11 the license, permit or registration issued to the person. The agency
12 shall reinstate such a license, permit or registration if the agency
13 receives:

14 (a) A notice from the State Controller that the person has:

15 (1) Paid the debt, including all penalties, interest, costs and
16 fees, if any;

17 (2) Entered into an agreement for the payment of the debt
18 on an installment basis pursuant to NRS 353C.130; or

19 (3) Obtained a discharge in bankruptcy of the debt; and

20 (b) Payment of any fee specifically prescribed by statute or
21 regulation for the reinstatement of the license, permit or
22 registration.

23 4. For the purposes of this section, "agency" does not include
24 the Department of Taxation, Nevada Gaming Commission or State
25 Gaming Control Board.

26 5. As used in this section, "license, permit or registration"
27 includes, without limitation:

28 (a) A professional, occupational or recreational license,
29 permit, certificate or registration;

30 (b) A driver's license; and

31 (c) A registration for a vehicle or boat.

32 **Sec. 3. 1.** The State Controller shall adopt regulations
33 establishing a fee of \$25 that an agency shall charge a person for
34 each check or draft returned to the agency because the person had
35 insufficient money or credit with the drawee to pay the check or
36 draft, or because the person stopped payment on the check or
37 draft.

38 2. Notwithstanding any specific statute or regulation to the
39 contrary, an agency may only charge and collect a fee for a check
40 or draft returned to the agency because the person has insufficient
41 money or credit, or because the person stopped payment on the
42 check or draft, in accordance with the regulations adopted by the
43 State Controller pursuant to this section.



1 **3. For the purposes of this section, "agency" does not include**
2 **the Department of Taxation, Nevada Gaming Commission or State**
3 **Gaming Control Board.**

4 **Sec. 4.** NRS 481.079 is hereby amended to read as follows:
5 481.079 1. Except as otherwise provided by specific statute,
6 all taxes, license fees and money collected ~~[pursuant to NRS~~
7 ~~481.0475] by the Department~~ must be deposited with the State
8 Treasurer to the credit of the Motor Vehicle Fund.

9 2. If a check or any other method of payment accepted by the
10 Department in payment of *such* fees ~~[pursuant to NRS 481.0475]~~ is
11 dishonored upon presentation for payment:

12 (a) The drawer or any other person responsible for payment of
13 the fee is subject to a ~~[service charge of \$25.]~~ *fee in the amount*
14 *established by the State Controller pursuant to section 3 of this act*
15 in addition to any other penalties provided by law; and

16 (b) The Department may require that future payments from the
17 person be made by cashier's check, money order, traveler's check or
18 cash.

19 3. The Department may adjust the amount of a deposit made
20 with the State Treasurer to the credit of the Motor Vehicle Fund for
21 any cash shortage or overage resulting from the collection of fees.

22 **Sec. 5.** NRS 612.618 is hereby amended to read as follows:

23 612.618 1. If a check is tendered on or before the due date in
24 payment of contributions but is afterward dishonored by the
25 financial institution on which it is drawn, the check does not
26 constitute timely payment unless the Administrator determines that
27 dishonor occurred because of fault on the part of the financial
28 institution.

29 2. The Administrator ~~[may]~~ *shall* charge an additional fee ~~[of~~
30 ~~not more than \$25]~~ *in the amount established by the State*
31 *Controller pursuant to section 3 of this act* for handling against a
32 person who presents a check afterward dishonored. The fee must be
33 deposited in the Unemployment Compensation Administration
34 Fund.

35 **Sec. 6.** NRS 623A.240 is hereby amended to read as follows:

36 623A.240 1. The following fees must be prescribed by the
37 Board and must not exceed the following amounts:

38		
39	Application fee	\$200.00
40	Examination fee	100.00,
41		plus the actual
42		cost of the
43		examination
44	Certificate of registration	25.00
45	Annual renewal fee	200.00



1	Reinstatement fee	\$300.00
2	Delinquency fee	50.00
3	Change of address fee	10.00
4	Copy of a document, per page.....	.25

5
6 2. In addition to the fees set forth in subsection 1, the Board
7 may charge and collect a fee for any other service it provides. The
8 fee must not exceed the cost incurred by the Board to provide the
9 service.

10 3. The Board may authorize a landscape architect intern to pay
11 the application fee or any portion of that fee during any period in
12 which he is the holder of a certificate to practice as a landscape
13 architect intern. If a landscape architect intern pays the fee or any
14 portion of the fee during that period, the Board shall credit the
15 amount paid by him towards the entire amount of the application fee
16 for the certificate of registration required pursuant to this section.

17 4. The fees prescribed by the Board pursuant to this section
18 must be paid in United States currency in the form of a check,
19 cashier's check or money order. If any check submitted to the Board
20 is dishonored upon presentation for payment, repayment of the fee,
21 including the fee for a returned check ~~is~~ *in the amount established*
22 *by the State Controller pursuant to section 3 of this act*, must be
23 made by money order or certified check.

24 5. The fees prescribed by the Board pursuant to this section are
25 nonrefundable.

26 **Sec. 7.** NRS 634.135 is hereby amended to read as follows:

27 634.135 1. The Board may charge and collect fees not to
28 exceed:

29		
30	For an application for a license to practice	
31	chiropractic	\$200.00
32	For an examination for a license to practice	
33	chiropractic	200.00
34	For an application for, and the issuance of, a	
35	certificate as a chiropractor's assistant	100.00
36	For an examination for a certificate as a	
37	chiropractor's assistant.....	100.00
38	For the issuance of a license to practice	
39	chiropractic	300.00
40	For the annual renewal of a license to practice	
41	chiropractic	300.00
42	For the annual renewal of an inactive license to	
43	practice chiropractic.....	100.00



1	For the annual renewal of a certificate as a	
2	chiropractor's assistant.....	\$50.00
3	For the restoration to active status of an inactive	
4	license to practice chiropractic.....	300.00
5	For reinstating a license to practice chiropractic	
6	which has been suspended or revoked.....	500.00
7	For reinstating a certificate as a chiropractor's	
8	assistant which has been suspended pursuant	
9	to NRS 634.130.....	100.00
10	For a review of any subject on the examination	25.00
11	For the issuance of a duplicate license or for	
12	changing the name on a license	35.00
13	For written certification of licensure.....	25.00
14	For providing a list of persons who are licensed	
15	to practice chiropractic to a person who is not	
16	licensed to practice chiropractic.....	25.00
17	For providing a list of persons who were licensed	
18	to practice chiropractic following the most	
19	recent examination of the Board to a person	
20	who is not licensed to practice chiropractic	10.00
21	For a set of mailing labels containing the names	
22	and addresses of the persons who are licensed	
23	to practice chiropractic in this state	35.00
24	For a check made payable to the Board that is	
25	dishonored upon presentation for payment.....	25.00
26	For providing a copy of the statutes, regulations	
27	and other rules governing the practice of	
28	chiropractic in this state to a person who is not	
29	licensed to practice chiropractic.....	25.00
30	For each page of a list of continuing education	
31	courses that have been approved by the Board.....	.50
32	For an application to a preceptor program offered	
33	by the Board to graduates of chiropractic	
34	schools or colleges	35.00
35	For a review by the Board of a course offered by	
36	a chiropractic school or college or a course of	
37	continuing education in chiropractic.....	10.00

39 2. In addition to the fees set forth in subsection 1, the Board
40 may charge and collect reasonable and necessary fees for any other
41 service it provides.

42 **3. For a check made payable to the Board that is dishonored**
43 **upon presentation for payment, the Board shall assess and collect**
44 **a fee in the amount established by the State Controller pursuant to**
45 **section 3 of this act.**



1 **Sec. 8.** NRS 679B.228 is hereby amended to read as follows:
 2 679B.228 The Division ~~may~~ *shall* charge a person a fee ~~of~~
 3 ~~\$25~~ *in the amount established by the State Controller pursuant to*
 4 *section 3 of this act* for each check returned to the Division because
 5 the person had insufficient money or credit with the drawee to pay
 6 the check or because the person stopped payment on the check.

7 **Sec. 9.** Section 16 of chapter 389, Statutes of Nevada 2001, at
 8 page 1883, is hereby amended to read as follows:

9 Sec. 16. ~~1.~~ This act becomes effective upon passage
 10 and approval.

11 ~~{2. Sections 13, 14 and 15 of this act expire by limitation~~
 12 ~~on October 1, 2003.}~~

13 **Sec. 10.** Sections 13, 14 and 15 of chapter 389, Statutes of
 14 Nevada 2001, at pages 1881 and 1882 are hereby repealed.

15 **Sec. 11.** 1. This section and sections 1, 2, 9 and 10 of this act
 16 become effective upon passage and approval.

17 2. Sections 3 to 8, inclusive, of this act become effective upon
 18 passage and approval for the purpose of adopting regulations and on
 19 July 1, 2003, for all other purposes.

TEXT OF REPEALED SECTIONS

Section 13 of chapter 389, Statutes of Nevada 2001:

Sec. 13. 1. The state controller, in cooperation with the department of motor vehicles and public safety and the division of wildlife of the state department of conservation and natural resources, may establish a pilot program to improve the collection of debts owed to an agency or the State of Nevada through the suspension of, cancellation of or refusal to renew vehicle registrations and certain licenses and permits issued by the state and the refusal to provide related services.

2. As used in this section, "agency" has the meaning ascribed to it in NRS 353C.020.

Section 14 of chapter 389, Statutes of Nevada 2001:

Sec. 14. 1. If a pilot program is established pursuant to section 13 of this act, the department of motor vehicles and public safety, when it receives a notice from the state controller that a person to whom the department has issued a license or permit or for whom the department has registered a vehicle is in default on a debt owed to an agency or the State



of Nevada, shall send a written notice to that person advising him that his license or permit and vehicle registration are subject to suspension, cancellation or refusal to renew.

2. The notice must include:

- (a) The reason for the suspension of, cancellation of or refusal to renew the license or permit and vehicle registration;
- (b) The text of this section; and
- (c) Any other information that the department deems necessary.

3. Upon receipt of notice from the state controller pursuant to subsection 1 that a person to whom the department has issued a license or permit or for whom the department has registered a vehicle is in default on a debt owed to an agency or the State of Nevada, the department may, after sending the written notice required pursuant to that subsection, suspend, cancel or refuse to renew the license or permit of the person and the registration of a vehicle owned by the person.

4. The department shall reinstate such a license or permit and vehicle registration if it receives:

- (a) A notice from the state controller that the person has:
 - (1) Paid the debt, including all penalties, interest, costs and fees, if any;
 - (2) Entered into an agreement for the payment of the debt on an installment basis pursuant to NRS 353C.130; or
 - (3) Obtained a discharge in bankruptcy of the debt;

- and
- (b) Payment of the fee prescribed in:
 - (1) NRS 483.410 for reinstatement of a suspended or canceled license; or
 - (2) NRS 482.480 for reinstatement of a suspended vehicle registration.

5. The department shall not require a person whose driver's license or permit is suspended or canceled pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license or permit.

6. As used in this section, "agency" has the meaning ascribed to it in NRS 353C.020.

Section 15 of chapter 389, Statutes of Nevada 2001:

Sec. 15. 1. If a pilot program is established pursuant to section 13 of this act, the division of wildlife of the state department of conservation and natural resources, when it receives a notice from the state controller that a person who



holds a license or permit to hunt, fish or trap, or any other license or permit issued by the division, is in default on a debt owed to an agency or the State of Nevada, shall send a written notice to that person advising him that:

(a) His license or permit is subject to suspension, cancellation or refusal to renew; and

(b) He is subject to a fee of \$25 for each check or draft returned to the division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft.

2. The notice must include:

(a) The reason for the suspension of, cancellation of or refusal to renew the license or permit;

(b) The text of this section; and

(c) Any other information that the division deems necessary.

3. Upon receipt of notice from the state controller pursuant to subsection 1 that a person to whom the division has issued a license or permit is in default on a debt owed to an agency or the State of Nevada, the division may, after sending the written notice required pursuant to that subsection, suspend, cancel or refuse to renew the license or permit of the person.

4. The division shall reinstate such a license or permit if:

(a) The license or permit is still valid and has not expired; and

(b) The division receives a notice from the state controller that the person has:

(1) Paid the debt, including all penalties, interest, costs and fees, if any;

(2) Entered into an agreement for the payment of the debt on an installment basis pursuant to NRS 353C.130; or

(3) Obtained a discharge in bankruptcy of the debt.

5. The division shall not issue a new license or permit to hunt, fish or trap, or any other license or permit issued by the division, to a person whose license or permit is suspended, cancelled or refused renewal pursuant to this section unless the division receives a notice from the state controller that the person has:

(a) Paid the debt, including all penalties, interest, costs and fees, if any;

(b) Entered into an agreement for the payment of the debt on an installment basis pursuant to NRS 353C.130; or

(c) Obtained a discharge in bankruptcy of the debt.



6. As used in this section, "agency" has the meaning ascribed to it in NRS 353C.020.

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