

CHAPTER 604A - DEFERRED DEPOSIT LOANS, HIGH-INTEREST LOANS, TITLE LOANS AND CHECK-CASHING SERVICES

GENERAL PROVISIONS

<u>NRS 604A.010</u>	Definitions.
<u>NRS 604A.015</u>	“Automated loan machine” defined.
<u>NRS 604A.020</u>	“Cashing” defined.
<u>NRS 604A.025</u>	“Check” defined.
<u>NRS 604A.030</u>	“Check-cashing service” defined.
<u>NRS 604A.035</u>	“Commissioner” defined.
<u>NRS 604A.036</u>	“Consumer credit” defined.
<u>NRS 604A.038</u>	“Covered service member” defined.
<u>NRS 604A.040</u>	“Customer” defined.
<u>NRS 604A.045</u>	“Default” defined.
<u>NRS 604A.050</u>	“Deferred deposit loan” defined.
<u>NRS 604A.055</u>	“Deferred deposit loan service” defined.
<u>NRS 604A.057</u>	“Dependent” defined.
<u>NRS 604A.060</u>	“Electronic transfer of money” defined.
<u>NRS 604A.065</u>	“Extension” defined.
<u>NRS 604A.070</u>	“Grace period” defined.
<u>NRS 604A.0703</u>	“High-interest loan” defined.
<u>NRS 604A.0705</u>	“High-interest loan service” defined.
<u>NRS 604A.075</u>	“Licensee” defined.
<u>NRS 604A.080</u>	“Loan” defined.
<u>NRS 604A.083</u>	“Nationwide Multistate Licensing System and Registry” or “Registry” defined.
<u>NRS 604A.085</u>	“Refund anticipation loan” defined.
<u>NRS 604A.090</u>	“Regulation Z” defined.
<u>NRS 604A.105</u>	“Title loan” defined.
<u>NRS 604A.110</u>	“Title loan service” defined.
<u>NRS 604A.115</u>	“Title to a vehicle” or “title” defined.
<u>NRS 604A.120</u>	“Truth in Lending Act” defined.
<u>NRS 604A.125</u>	“Vehicle” defined.
<u>NRS 604A.150</u>	Additional terms defined under federal law; calculation of amount financed, annual percentage rate and finance charge.

SCOPE AND APPLICABILITY

<u>NRS 604A.200</u>	Application of chapter to persons who seek to evade its provisions.
<u>NRS 604A.210</u>	Chapter does not prohibit licensee from offering customer grace period; restrictions.
<u>NRS 604A.220</u>	Uniformity of application and construction; resolution of conflicts.

- NRS 604A.230 Effect of amendment or repeal of chapter on preexisting lawful contracts.
- NRS 604A.240 Collection of loans made outside State.
- NRS 604A.250 Exemptions from chapter. [Effective through June 30, 2024.]
- NRS 604A.250 Exemptions from chapter. [Effective July 1, 2024, and expires by limitation on December 31, 2029.]
- NRS 604A.250 Exemptions from chapter. [Effective January 1, 2030.]
- NRS 604A.260 Applicability of provisions of chapter governing enforcement or collection of obligations originated under chapter.

ADMINISTRATION

- NRS 604A.300 Regulations.
- NRS 604A.303 Commissioner required to implement and maintain database of certain information related to deferred deposit loans, title loans and high-interest loans; fee; confidentiality; regulations.
- NRS 604A.305 Authority to inform public of certain information relating to licensees offering services through Internet website.
- NRS 604A.310 Certain relationships between officers and employees of Division of Financial Institutions and licensees prohibited; duty to terminate prohibited relationships.
- NRS 604A.315 Commissioner required to investigate alleged violations of chapter.

REGULATION OF BUSINESS PRACTICES

GENERAL PROVISIONS

- NRS 604A.400 Operation of check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without license prohibited; operation of deferred deposit loan service or high-interest loan service through automated loan machine prohibited; criminal penalties.
- NRS 604A.405 Required notices and disclosures; regulations.

DEFERRED DEPOSIT LOAN SERVICES

- NRS 604A.501 Limitations on original term.
- NRS 604A.5011 Licensee required to make determination of ability of customer to repay loan and compliance of loan with certain requirements before making loan.
- NRS 604A.5012 Written loan agreement required; contents.
- NRS 604A.5014 Requirements for collection of defaulted loan; civil action to collect debt; venue.
- NRS 604A.5015 Practices regarding customers who are members of military.
- NRS 604A.5016 Provision of information and materials concerning public assistance and services.
- NRS 604A.5017 Limitation regarding amount of loan.
- NRS 604A.5018 Prohibited acts by licensee regarding multiple loans to same customer.
- NRS 604A.502 Prohibited acts by licensee: Accepting collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks.
- NRS 604A.5021 Prohibited acts by licensee: Improper lending and collection practices; deceptive trade practices; false, misleading and deceptive advertising; reinitiating certain transactions; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter.

<u>NRS 604A.5023</u>	Rescission of loan by customer.
<u>NRS 604A.5024</u>	Payment of loan in full.
<u>NRS 604A.5025</u>	Partial payment on loan.
<u>NRS 604A.5026</u>	Extended payment plan: Customer eligibility; requirements; restrictions; default.
<u>NRS 604A.5027</u>	Repayment plan.
<u>NRS 604A.5029</u>	Limitations on using proceeds of new deferred deposit loan or high-interest loan to pay balance of outstanding deferred deposit loan; exceptions.
<u>NRS 604A.503</u>	Limitations on amounts licensee may collect after default.
<u>NRS 604A.5031</u>	Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.
<u>NRS 604A.5033</u>	Receipt required for each payment by customer; contents.
<u>NRS 604A.5034</u>	Requirements regarding person acting as agent or assisting in making loan.

HIGH-INTEREST LOAN SERVICES

<u>NRS 604A.5035</u>	Determination of whether loan is high-interest loan.
<u>NRS 604A.5037</u>	Limitations on original term.
<u>NRS 604A.5038</u>	Licensee required to make determination of ability of customer to repay loan and compliance of loan with certain requirements before making loan.
<u>NRS 604A.504</u>	Written loan agreement required; contents.
<u>NRS 604A.5041</u>	Requirements for collection of defaulted loan; civil action to collect debt; venue.
<u>NRS 604A.5042</u>	Provision of information and materials concerning public assistance and services.
<u>NRS 604A.5043</u>	Practices regarding customers who are members of military.
<u>NRS 604A.5045</u>	Limitation regarding amount of loan.
<u>NRS 604A.5046</u>	Prohibited acts by licensee regarding multiple loans to same customer.
<u>NRS 604A.5048</u>	Prohibited acts by licensee: Accepting collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks.
<u>NRS 604A.5049</u>	Prohibited acts by licensee: Improper lending and collection practices; deceptive trade practices; false, misleading and deceptive advertising; reinitiating certain transactions; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter.
<u>NRS 604A.505</u>	Rescission of loan by customer.
<u>NRS 604A.5052</u>	Payment of loan in full.
<u>NRS 604A.5053</u>	Partial payment on loan.
<u>NRS 604A.5055</u>	Repayment plan.
<u>NRS 604A.5057</u>	Limitations on using proceeds of new deferred deposit loan or high-interest loan to pay balance of outstanding high-interest loan; exceptions.
<u>NRS 604A.5058</u>	Limitations on amounts licensee may collect after default.
<u>NRS 604A.506</u>	Limitations on fees licensees may charge after default on installment payments.
<u>NRS 604A.5061</u>	Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.
<u>NRS 604A.5063</u>	Receipt required for each payment by customer; contents.
<u>NRS 604A.5064</u>	Requirements regarding person acting as agent or assisting in making loan.

TITLE LOAN SERVICES

- NRS 604A.5065 Licensee required to make determination of ability of customer to repay loan and compliance of loan with certain requirements before making loan.
- NRS 604A.5067 Written loan agreement required; contents.
- NRS 604A.5068 Requirements for collection of defaulted loan; civil action to collect debt; venue.
- NRS 604A.507 Practices regarding customers who are members of military.
- NRS 604A.5075 Provision of information and materials concerning public assistance and services.
- NRS 604A.5071 Prohibited acts by licensee: Accepting certain collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks.
- NRS 604A.5072 Prohibited acts by licensee: Improper lending and collection practices; deceptive trade practices; false, misleading and deceptive advertising; reinitiating certain transactions; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter.
- NRS 604A.5074 Restrictions on duration of loan and periods of extension.
- NRS 604A.5076 Prohibited acts by licensee regarding amount of loan, ownership of vehicle and customer's ability to repay loan.
- NRS 604A.5078 Applicability of Uniform Commercial Code; repossession of vehicle; civil action.
- NRS 604A.5079 Rescission of loan by customer.
- NRS 604A.508 Payment of loan in full.
- NRS 604A.5081 Partial payment on loan.
- NRS 604A.5083 Repayment plan.
- NRS 604A.5085 Limitations on amounts licensee may collect after default.
- NRS 604A.5086 Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.
- NRS 604A.5088 Receipt required for each payment by customer; contents.
- NRS 604A.5089 Requirements regarding person acting as agent or assisting in making loan.

CHECK-CASHING SERVICES

- NRS 604A.509 Practices regarding customers who are members of military.
- NRS 604A.5092 Prohibited acts by licensee: Improper practices; deceptive trade practices; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter.
- NRS 604A.5094 Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.

PAYDAY LENDER BEST PRACTICES ACT

GENERAL PROVISIONS

- NRS 604A.510 Short title.
- NRS 604A.515 Applicability.

DEFERRED DEPOSIT LOAN SERVICES

- NRS 604A.570 Required disclosures.

<u>NRS 604A.571</u>	Prohibited fees.
<u>NRS 604A.572</u>	Prohibited advertisements.
<u>NRS 604A.573</u>	Required notices.
<u>NRS 604A.574</u>	Limitations on extended term of loans.
<u>NRS 604A.575</u>	Rescission of loan by customer.
<u>NRS 604A.576</u>	Collection of past due accounts; prohibited acts.
<u>NRS 604A.577</u>	Reporting violations of chapter.
<u>NRS 604A.578</u>	Certain licensees required to offer repayment plan.
<u>NRS 604A.579</u>	Licensee offering services through Internet website required to comply with applicable laws.

HIGH-INTEREST LOAN SERVICES

<u>NRS 604A.580</u>	Required disclosures.
<u>NRS 604A.581</u>	Prohibited fees.
<u>NRS 604A.582</u>	Prohibited advertisements.
<u>NRS 604A.583</u>	Required notices.
<u>NRS 604A.584</u>	Limitations on extended term of loans.
<u>NRS 604A.585</u>	Rescission of loan by customer.
<u>NRS 604A.586</u>	Collection of past due accounts; prohibited acts.
<u>NRS 604A.587</u>	Reporting violations of chapter.
<u>NRS 604A.588</u>	Certain licensees required to offer repayment plan.
<u>NRS 604A.589</u>	Licensee offering services through Internet website required to comply with applicable laws.

TITLE LOAN SERVICES

<u>NRS 604A.590</u>	Required disclosures.
<u>NRS 604A.591</u>	Prohibited fees.
<u>NRS 604A.592</u>	Prohibited advertisements.
<u>NRS 604A.593</u>	Required notices.
<u>NRS 604A.594</u>	Rescission of loan by customer.
<u>NRS 604A.595</u>	Collection of past due accounts; prohibited acts.
<u>NRS 604A.596</u>	Reporting violations of chapter.
<u>NRS 604A.597</u>	Certain licensees required to offer repayment plan.
<u>NRS 604A.598</u>	Licensee offering services through Internet website required to comply with applicable laws.

CONSUMER CREDIT TO COVERED SERVICE MEMBERS

<u>NRS 604A.5983</u>	Prohibited annual percentage rates.
<u>NRS 604A.5985</u>	Required disclosures.
<u>NRS 604A.5987</u>	Prohibited terms of consumer credit to covered service member.

LICENSING

<u>NRS 604A.600</u>	Application for license.
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- NRS 604A.605** Additional materials to be submitted with application; grounds for denial of license.
- NRS 604A.610** Surety bond.
- NRS 604A.615** Deposit of securities in lieu of surety bond.
- NRS 604A.620** Application for license for office or other place of business located outside State.
- NRS 604A.625** Investigation of applicant; notice; hearing; order.
- NRS 604A.630** Procedure upon denial of license.
- NRS 604A.635** Issuance of license; display of license; issuance of additional licenses for branch locations; contents of license; license not transferable or assignable.
- NRS 604A.640** Expiration, renewal and reinstatement of license; fees.
- NRS 604A.645** Change of control of licensee: Notice; application to Commissioner.
- NRS 604A.650** Licensee must conduct business in accordance with license; approval of business name; prohibition against using misleading or confusing business name or printed forms.
- NRS 604A.655** Restrictions on location where licensee may conduct business; requirements to conduct business at same location as mortgage company or pawnbroker.
- NRS 604A.660** Change of address by licensee: Notice; approval by Commissioner; penalty for failure to provide required notice.

NATIONWIDE MULTISTATE LICENSING SYSTEM AND REGISTRY

- NRS 604A.665** Commissioner authorized to take action to participate in Registry; charges for use; regulations; provisions do not affect authority of Commissioner regarding licensing.
- NRS 604A.670** Submission and processing of fingerprints.
- NRS 604A.675** Commissioner to report information to Registry; confidentiality of information provided; Commissioner authorized to enter into certain agreements and arrangements.
- NRS 604A.680** Additional materials to be submitted to Registry.
- NRS 604A.685** Licensee required to register and maintain unique identifier; Commissioner authorized to issue license through Registry; references to Commissioner deemed references to Registry.

RECORDS, REPORTS AND EXAMINATIONS

- NRS 604A.700** Required books and records.
- NRS 604A.710** Investigation of businesses; examination of books and records by Commissioner.
- NRS 604A.720** Authority of Commissioner to require attendance of witnesses and production of books and records.
- NRS 604A.730** Annual examinations by Commissioner; exceptions.
- NRS 604A.740** Fees for regulatory activities; penalties for failure to pay fees.
- NRS 604A.750** Annual report by licensee; composite reports; Commissioner may require additional reports.
- NRS 604A.760** Fees for failure to submit reports.

DISCIPLINARY ACTION

- NRS 604A.800** Temporary suspension of license: Conditions; notice; hearing; terms of suspension.
- NRS 604A.810** Order to desist and refrain; action to enjoin violation; appointment of receiver.

- NRS 604A.820** Procedure for taking disciplinary action; authorized disciplinary action; grounds.
NRS 604A.830 Additional grounds for disciplinary action.
NRS 604A.840 Surrender of license by licensee; effect of surrender.
NRS 604A.850 Preexisting contracts unaffected by revocation, suspension, expiration or surrender of license.

REMEDIES AND PENALTIES

- NRS 604A.900** Remedies for certain willful violations.
NRS 604A.910 Administrative fines for unlicensed activity.
NRS 604A.920 Other remedies for unlicensed activity.
NRS 604A.930 Civil action.
NRS 604A.940 Exercise of jurisdiction over party to civil action; service of summons to confer jurisdiction.
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GENERAL PROVISIONS

NRS 604A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2005, 1683; A 2007, 931; 2019, 944; 2021, 2049)

NRS 604A.015 “Automated loan machine” defined.

1. “Automated loan machine” means any machine or other device, regardless of the name given to it or the technology used, that:

(a) Is automated;

(b) Is designed or intended to allow a customer, without any additional assistance from another person, to receive or attempt to receive a deferred deposit loan or high-interest loan through the machine or other device; and

(c) Is set up, installed, operated or maintained by or on behalf of the person making the loan or any agent, affiliate or subsidiary of the person.

2. The term does not include any machine or other device used directly by a customer to access the Internet unless the machine or other device is made available to the customer by the person making the loan or any agent, affiliate or subsidiary of the person.

(Added to NRS by 2005, 1683; A 2007, 931)

NRS 604A.020 “Cashing” defined. “Cashing” means providing currency or a negotiable instrument in exchange for a check.

(Added to NRS by 2005, 1684)

NRS 604A.025 “Check” defined.

1. “Check” means:

(a) A draft, other than a documentary draft, payable on demand and drawn on a bank; or

(b) A cashier’s check or teller’s check.

2. An instrument may be a check even though it is described on its face by another term, such as “money order.”

(Added to NRS by 2005, 1684)

NRS 604A.030 “Check-cashing service” defined. “Check-cashing service” means any person engaged in the business of cashing checks for a fee, service charge or other consideration.

(Added to NRS by 2005, 1684)

NRS 604A.035 “Commissioner” defined. “Commissioner” means the Commissioner of Financial Institutions.

(Added to NRS by 2005, 1684)

NRS 604A.036 “Consumer credit” defined. “Consumer credit” means a loan made to a natural person to finance the purchase of goods that directly satisfy human wants or to defray personal or family expenses, not including:

1. A residential mortgage; or
2. A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.

(Added to NRS by 2019, 940)

NRS 604A.038 “Covered service member” defined. “Covered service member” means a member of the Armed Forces of the United States who is:

1. On active duty under a call or order to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 30 days; or
2. A member of the National Guard and Reserve on active duty orders.

(Added to NRS by 2019, 940)

NRS 604A.040 “Customer” defined. “Customer” means any person who receives or attempts to receive check-cashing services, deferred deposit loan services, high-interest loan services or title loan services from another person.

(Added to NRS by 2005, 1684; A 2007, 932)

NRS 604A.045 “Default” defined.

1. “Default” means the failure of a customer to:

(a) Make a scheduled payment on a loan on or before the due date for the payment under the terms of a lawful loan agreement that complies with the provisions of NRS 604A.501, subsection 2 of NRS 604A.5029, NRS 604A.5037, subsection 2 of NRS 604A.5057 or NRS 604A.5074, as applicable, and any grace period that complies with the provisions of NRS 604A.210; or

(b) Pay a loan in full on or before the expiration of the loan period as set forth in a lawful loan agreement that complies with the provisions of NRS 604A.501, subsection 2 of NRS 604A.5029, NRS 604A.5037, subsection 2 of NRS 604A.5057 or NRS 604A.5074, as applicable, and any grace period that complies with the provisions of NRS 604A.210.

2. A default occurs on the day immediately following the date of the customer’s failure to perform as described in subsection 1.

(Added to NRS by 2005, 1684; A 2017, 1439)

NRS 604A.050 “Deferred deposit loan” defined. “Deferred deposit loan” means a transaction in which, pursuant to a loan agreement:

1. A customer tenders to another person:

- (a) A personal check drawn upon the account of the customer; or
- (b) Written authorization for an electronic transfer of money for a specified amount from the account of the customer; and

2. The other person:

(a) Provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; and

(b) Agrees, for a specified period, not to cash the check or execute an electronic transfer of money for the amount specified in the written authorization.

(Added to NRS by 2005, 1684)

NRS 604A.055 “Deferred deposit loan service” defined. “Deferred deposit loan service” means any person engaged in the business of making deferred deposit loans for a fee, service charge or other consideration.

(Added to NRS by 2005, 1684)

NRS 604A.057 “Dependent” defined. “Dependent” means:

- 1. The spouse of a covered service member;
- 2. A child of a covered service member who:

(a) Is less than 21 years of age;

(b) Is less than 23 years of age and is enrolled in a full-time course of study at an institution of higher learning and is in fact dependent on the covered service member for over one-half of the child’s support; or

(c) Is incapable of self-support because of a mental or physical incapacity that occurred while the child was a person described by paragraph (a) or (b);

3. A parent or parent-in-law of a covered service member who is in fact dependent on the covered service member for over one-half of his or her support and who resides in the household of the covered service member;

4. An unmarried person who:

(a) Is placed in the legal custody of the covered service member as a result of an order of a court of competent jurisdiction for a period of at least 12 consecutive months;

(b) Is:

(1) Less than 21 years of age;

(2) Less than 23 years of age and is enrolled in a full-time course of study at an institution of higher learning and is in fact dependent on the covered service member for over one-half of the person’s support; or

(3) Incapable of self-support because of a mental or physical incapacity that occurred while the person was a person described by subparagraph (1) or (2);

(c) Is dependent on the covered service member for over one-half of the person’s support;

(d) Resides with the covered service member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Commissioner may prescribe; and

(e) Is not a dependent of a covered service member under subsection 1, 2 or 3.

(Added to NRS by 2019, 941)

NRS 604A.060 “Electronic transfer of money” defined. “Electronic transfer of money” means any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

(Added to NRS by 2005, 1684)

NRS 604A.065 “Extension” defined.

1. “Extension” means any extension or rollover of a loan beyond the date on which the loan is required to be paid in full under the original terms of the loan agreement, regardless of the name given to the extension or rollover.

2. The term does not include a grace period.

(Added to NRS by 2005, 1685)

NRS 604A.070 “Grace period” defined.

1. “Grace period” means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of NRS 604A.210.

2. The term does not include an extension of a loan that complies with the provisions of NRS 604A.501, subsection 2 of NRS 604A.5029, NRS 604A.5037, subsection 2 of NRS 604A.5057 or NRS 604A.5074, as applicable.

(Added to NRS by 2005, 1685; A 2017, 1439)

NRS 604A.0703 “High-interest loan” defined.

1. “High-interest loan” means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.

2. The term includes, without limitation, any single-payment loan, installment loan, open-ended loan or contract for the lease of an animal for a purpose other than a business, commercial or agricultural purpose which, under the original terms of the loan or contract, charges an annual percentage rate of more than 40 percent.

3. The term does not include:

- (a) A deferred deposit loan;
- (b) A refund anticipation loan; or
- (c) A title loan.

(Added to NRS by 2007, 930; A 2017, 1439)

NRS 604A.0705 “High-interest loan service” defined. “High-interest loan service” means any person engaged in the business of providing high-interest loans for a fee, service charge or other consideration.

(Added to NRS by 2007, 930)

NRS 604A.075 “Licensee” defined. “Licensee” means any person who has been issued one or more licenses to operate a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service pursuant to the provisions of this chapter.

(Added to NRS by 2005, 1685; A 2007, 932)

NRS 604A.080 “Loan” defined. “Loan” means any deferred deposit loan, high-interest loan or title loan, or any extension or repayment plan relating to such a loan, made at any location or through any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

(Added to NRS by 2005, 1685; A 2007, 932)

NRS 604A.083 “Nationwide Multistate Licensing System and Registry” or “Registry” defined. “Nationwide Multistate Licensing System and Registry” or “Registry” means a multistate licensing system developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and operated by the State Regulatory Registry, LLC, for the licensing and registration of non-depository financial

service entities by participating state agencies, or any successor to the Nationwide Multistate Licensing System and Registry.

(Added to NRS by 2021, 2046)

NRS 604A.085 “Refund anticipation loan” defined. “Refund anticipation loan” means a loan offered or made to a taxpayer by a lender or through a facilitator based on the taxpayer’s anticipated federal income tax refund.

(Added to NRS by 2005, 1685)

NRS 604A.090 “Regulation Z” defined. “Regulation Z” means the federal regulations, as amended, 12 C.F.R. Part 226, adopted pursuant to the Truth in Lending Act and commonly known as Regulation Z.

(Added to NRS by 2005, 1685)

NRS 604A.105 “Title loan” defined.

1. “Title loan” means a loan made to a customer pursuant to a loan agreement which, under its original terms:

(a) Charges an annual percentage rate of more than 35 percent; and

(b) Requires the customer to secure the loan by either:

(1) Giving possession of the title to a vehicle legally owned by the customer to the licensee or any agent, affiliate or subsidiary of the licensee; or

(2) Perfecting a security interest in the vehicle by having the name of the licensee or any agent, affiliate or subsidiary of the licensee noted on the title as a lienholder.

2. The term does not include a loan which creates a purchase-money security interest in a vehicle or the refinancing of any such loan.

(Added to NRS by 2005, 1685; A 2007, 932)

NRS 604A.110 “Title loan service” defined. “Title loan service” means any person engaged in the business of providing title loans for a fee, service charge or other consideration.

(Added to NRS by 2005, 1686)

NRS 604A.115 “Title to a vehicle” or “title” defined. “Title to a vehicle” or “title” means a certificate of title or ownership issued pursuant to the laws of this State that identifies the legal owner of a vehicle or any similar document issued pursuant to the laws of another jurisdiction.

(Added to NRS by 2005, 1686)

NRS 604A.120 “Truth in Lending Act” defined. “Truth in Lending Act” means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.

(Added to NRS by 2005, 1686)

NRS 604A.125 “Vehicle” defined.

1. “Vehicle” means any vehicle, whether or not self-propelled, that is designed or intended for land transportation if the legal owner of the vehicle is required to have a title.

2. The term includes, without limitation:

(a) Passenger vehicles;

(b) Recreational vehicles; and

(c) House trailers and travel trailers.

3. The term does not include:

(a) Farm vehicles;

(b) Vehicles of a common or contract carrier;

- (c) Commercial vehicles;
- (d) Construction vehicles;
- (e) Military vehicles;
- (f) Vehicles used exclusively upon stationary rails or tracks; or
- (g) Any other vehicles which are similar in nature to the vehicles listed in paragraphs (a) to (f), inclusive, and which the Commissioner, by regulation, excludes from the definition of "vehicle."

(Added to NRS by 2005, 1686)

NRS 604A.150 Additional terms defined under federal law; calculation of amount financed, annual percentage rate and finance charge.

1. As used in this chapter, unless the context otherwise requires, the following terms have the meanings ascribed to them in the Truth in Lending Act and Regulation Z:

- (a) "Amount financed."
- (b) "Annual percentage rate."
- (c) "Finance charge."
- (d) "Payment schedule."
- (e) "Total of payments."

2. For the purposes of this chapter, proper calculation of the amount financed, annual percentage rate and finance charge for a loan must be made in accordance with the Truth in Lending Act and Regulation Z.

(Added to NRS by 2005, 1686)

SCOPE AND APPLICABILITY

NRS 604A.200 Application of chapter to persons who seek to evade its provisions. The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

1. Calling a loan by any other name;
2. Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or
3. Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 604A.250, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a preponderant economic interest in the revenues generated by the loan.

(Added to NRS by 2005, 1686; A 2007, 932)

NRS 604A.210 Chapter does not prohibit licensee from offering customer grace period; restrictions.

1. The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan or an extension of a loan, except that the licensee shall not grant a grace period for the purpose of artificially increasing the amount which a customer would otherwise qualify to borrow.

2. Except in compliance with the provisions of NRS 604A.501, subsection 2 of NRS 604A.5029, NRS 604A.5037, subsection 2 of NRS 604A.5057 or NRS 604A.5074, where they apply, a licensee shall not:

- (a) Condition the granting of the grace period on the customer making any new loan agreement or adding any addendum or term to an existing loan agreement; or

(b) Charge the customer interest at a rate in excess of that described in the existing loan agreement.

(Added to NRS by 2005, 1686; A 2017, 1439)

NRS 604A.220 Uniformity of application and construction; resolution of conflicts.

1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to provide for, to the extent practicable, uniform regulation of the loans and transactions that are subject to the provisions of this chapter.

2. If there is a conflict between the provisions of this chapter and the provisions of any other general law regulating loans and similar transactions, the provisions of this chapter control.

(Added to NRS by 2005, 1686)

NRS 604A.230 Effect of amendment or repeal of chapter on preexisting lawful contracts. This chapter or any part thereof may be modified, amended or repealed by the Legislature so as to effect a cancellation or alteration of any license or right of a licensee under this chapter, provided that such cancellation or alteration shall not impair or affect the obligation of any preexisting lawful loan agreement between any licensee and any customer.

(Added to NRS by 2005, 1687)

NRS 604A.240 Collection of loans made outside State. Any loan lawfully made outside this State as permitted by the laws of the state in which the loan was made may be collected or otherwise enforced in this State in accordance with its terms.

(Added to NRS by 2005, 1687)

NRS 604A.250 Exemptions from chapter. [Effective through June 30, 2024.] 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.

(Added to NRS by 2005, 1687; A 2007, 933; 2013, 1249; 2017, 800, 3100)

NRS 604A.250 Exemptions from chapter. [Effective July 1, 2024, and expires by limitation on December 31, 2029.] 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 chapter 604D of NRS.

(Added to NRS by 2005, 1687; A 2007, 933; 2013, 1249; 2017, 800, 3100; 2023, 2410, effective July 1, 2024)

NRS 604A.250 Exemptions from chapter. [Effective January 1, 2030.] 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.

(Added to NRS by 2005, 1687; A 2007, 933; 2013, 1249; 2017, 800, 3100; 2023, 2410, 2413, effective January 1, 2030)

NRS 604A.260 Applicability of provisions of chapter governing enforcement or collection of obligations originated under chapter. All provisions of this chapter governing enforcement or collection of an obligation originated under this chapter apply to:

1. Any purchaser or assignee of the obligation; and
2. Any person seeking to enforce or collect the obligation on behalf of a licensee.

(Added to NRS by 2007, 931)

ADMINISTRATION

NRS 604A.300 Regulations.

1. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

2. The Commissioner shall adopt:

(a) Regulations to administer, carry out and enforce the provisions of NRS 604A.5983, 604A.5985 and 604A.5987.

(b) Any other regulations as are necessary to carry out the provisions of this chapter.

(Added to NRS by 2005, 1688; A 2019, 944)

NRS 604A.303 Commissioner required to implement and maintain database of certain information related to deferred deposit loans, title loans and high-interest loans; fee; confidentiality; regulations.

1. The Commissioner shall, by contract with a vendor or service provider or otherwise, develop, implement and maintain a database by which the Commissioner and licensees may obtain information related to deferred deposit loans, title loans and high-interest loans made by licensees to customers in this State to ensure compliance with the provisions of this chapter. The information the Commissioner and licensees may obtain includes, without limitation:

(a) Whether a customer has a deferred deposit loan, title loan or high-interest loan outstanding with more than one licensee;

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

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

(d) Any other information necessary to determine whether a licensee has complied with the provisions of this chapter.

2. After the development and implementation of the database created pursuant to subsection 1, a licensee who makes a deferred deposit loan, title loan or high-interest loan

shall enter or update the following information in the database for each such loan made to a customer at the time a transaction takes place:

- (a) The date on which the loan was made;
- (b) The type of loan made;
- (c) The principal amount of the loan;
- (d) The fees charged for the loan;
- (e) The annual percentage rate of the loan;
- (f) The total finance charge associated with the loan;
- (g) If the customer defaults on the loan, the date of default;

(h) If the customer enters into a repayment plan pursuant to NRS 604A.5027, 604A.5055 or 604A.5083, as applicable, the date on which the customer enters into the repayment plan; and

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

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

4. Except as otherwise provided in this subsection, any information in the database created pursuant to subsection 1 is confidential and shall not be considered a public book or record pursuant to NRS 239.010. The information may be used by the Commissioner for statistical purposes if the identity of the persons is not discernible from the information disclosed.

5. The Commissioner shall adopt regulations that:

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

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

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

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

(Added to NRS by 2019, 942)

NRS 604A.305 Authority to inform public of certain information relating to licensees offering services through Internet website.

1. To the extent of available funding, the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General may use reasonable means to inform the public that, pursuant to NRS 604A.579, 604A.589 and 604A.598, a person who offers deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State must be licensed to perform such services pursuant to this chapter and must comply with any state or federal law or regulation applicable to this State.

2. As used in this section, "reasonable means" includes, without limitation, advertising through any medium, including, without limitation, radio, television, Internet, banner ads, social media, public service announcements, community education, publishing and such other means of distributing information as are reasonably calculated to inform the public of the information set forth in subsection 1.

(Added to NRS by 2019, 943)

NRS 604A.310 Certain relationships between officers and employees of Division of Financial Institutions and licensees prohibited; duty to terminate prohibited relationships.

1. Except as otherwise provided in subsection 3, an officer or employee of the Division of Financial Institutions of the Department of Business and Industry shall not:

- (a) Be directly or indirectly interested in or act on behalf of any licensee;
- (b) Receive, directly or indirectly, any payment from any licensee;
- (c) Be indebted to any licensee;
- (d) Engage in the negotiation of loans for others with any licensee; or

(e) Obtain credit or services from a licensee conditioned upon a fraudulent practice or undue or unfair preference over other customers.

2. An employee of the Division of Financial Institutions in the unclassified service of the State shall not obtain new extensions of credit from a licensee while in office.

3. Any officer or employee of the Division of Financial Institutions may be indebted to a licensee on the same terms as are available to the public generally.

4. If an officer or employee of the Division of Financial Institutions has a service, a preferred consideration, an interest or a relationship prohibited by this section at the time of his or her appointment or employment, or obtains it during his or her employment, he or she shall terminate it within 120 days after the date of his or her appointment or employment or the discovery of the prohibited act.

(Added to NRS by 2005, 1705)

NRS 604A.315 Commissioner required to investigate alleged violations of chapter. If the Commissioner receives information from a registered agent pursuant to NRS 77.410 which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.

(Added to NRS by 2007, 2721)—(Substituted in revision for NRS 604A.402)

REGULATION OF BUSINESS PRACTICES

General Provisions

NRS 604A.400 Operation of check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without license prohibited; operation of deferred deposit loan service or high-interest loan service through automated loan machine prohibited; criminal penalties.

1. A person, including, without limitation, a person licensed pursuant to chapter 675 of NRS, shall not operate a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service unless the person is licensed with the Commissioner pursuant to the provisions of this chapter.

2. A person must have a license regardless of the location or method that the person uses to operate such a service, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except that the person shall not operate such a service through any automated loan machine in violation of the provisions of subsection 3.

3. A person shall not operate a deferred deposit loan service or high-interest loan service through any automated loan machine, and the Commissioner shall not issue a license that authorizes the licensee to conduct business through any automated loan machine.

4. Any person, and any member, officer, director, agent or employee thereof, who violates or participates in the violation of any provision of this section is guilty of a misdemeanor.

(Added to NRS by 2005, 1688; A 2005, 22nd Special Session, 97; 2007, 934)

NRS 604A.405 Required notices and disclosures; regulations.

1. A licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license:

(a) A notice that states the fees the licensee charges for providing check-cashing services, deferred deposit loan services, high-interest loan services or title loan services.

(b) A notice that states that if the customer defaults on a loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or repossesses a vehicle.

(c) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

(d) A notice that states the process for filing a complaint with the Commissioner.

➔ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he or she charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he or she charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

(Added to NRS by 2005, 1688; A 2007, 934; 2017, 1440)

Deferred Deposit Loan Services

NRS 604A.501 Limitations on original term.

1. Except as otherwise provided in this chapter, the original term of a deferred deposit loan must not exceed 35 days.

2. Notwithstanding the provisions of NRS 604A.5029, a licensee who operates a deferred deposit loan service shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan for a period that exceeds 90 days after the date of origination of the loan.

(Added to NRS by 2007, 931; A 2017, 1440)—(Substituted in revision for part of NRS 604A.408)

NRS 604A.5011 Licensee required to make determination of ability of customer to repay loan and compliance of loan with certain requirements before making loan.

1. A licensee who operates a deferred deposit loan service shall not make a deferred deposit loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the deferred deposit loan and that the deferred deposit loan complies with the provisions of NRS 604A.5017 or subsection 2 of NRS 604A.5029, as applicable.

2. For the purposes of subsection 1, a customer has the ability to repay a deferred deposit loan if the customer has a reasonable ability to repay the deferred deposit loan, as determined by the licensee after considering, to the extent available, the following underwriting factors:

(a) The current or reasonably expected income of the customer;

(b) The current employment status of the customer based on evidence including, without limitation, a pay stub or bank deposit;

(c) The credit history of the customer;

(d) The amount due under the original term of the deferred deposit loan, the monthly payment on the deferred deposit loan, if the deferred deposit loan is an installment loan, or the potential repayment plan if the customer defaults on the deferred deposit loan; and

(e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.

3. For the purposes of subsection 1, a licensee who operates a deferred deposit loan service shall not consider the ability of any person other than the customer to repay the deferred deposit loan.

(Added to NRS by 2017, 1438)

NRS 604A.5012 Written loan agreement required; contents.

1. Before making a deferred deposit loan to a customer, a licensee who operates a deferred deposit loan service shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:

(a) English, if the transaction is conducted in English; or

(b) Spanish, if the transaction is conducted in Spanish.

2. The loan agreement for a deferred deposit loan must include, without limitation, the following information:

(a) The name and address of the licensee and the customer;

(b) The nature of the security for the deferred deposit loan, if any;

(c) The date and amount of the deferred deposit loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;

(d) A disclosure of the right of the customer to rescind a deferred deposit loan pursuant to the provisions of this chapter;

(e) A disclosure of the right of the customer to pay his or her deferred deposit loan in full or in part with no additional charge pursuant to the provisions of this chapter;

(f) A disclosure stating that, if the customer defaults on the deferred deposit loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution; and

(g) Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.

(Added to NRS by 2005, 1689; A 2007, 935)—(Substituted in revision for part of NRS 604A.410)

NRS 604A.5014 Requirements for collection of defaulted loan; civil action to collect debt; venue.

1. If a customer defaults on a deferred deposit loan, the licensee who operates a deferred deposit loan service may collect the debt owed to the licensee only in a professional, fair and lawful manner. When collecting such a debt, the licensee must act in accordance with and must not violate sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, as amended, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the licensee is not otherwise subject to the provisions of that Act.

2. If a licensee who operates a deferred deposit loan service commences a civil action against a customer to collect a debt, the court may award:

(a) Court costs;

(b) Costs of service of process, except that the costs must not exceed the amount of the fees charged by the sheriff or constable for service of process in the county where the action was brought or, if the customer was not served in that county, in the county where the customer was served; and

(c) Reasonable attorney's fees. In determining the amount of the attorney's fees and whether they are reasonable, the court shall consider the complexity of the case, the amount of the debt and whether the licensee could have used less costly means to collect the debt.

3. Notwithstanding any provision of NRS 66.010 to the contrary, if:

(a) A licensee who operates a deferred deposit loan service intends to commence a civil action in a Justice Court against a customer to collect a debt; and

(b) The customer resides in the county where the deferred deposit loan was made,

→ the licensee is required to commence the civil action in the Justice Court for the township where the deferred deposit loan was made unless, after the date of default and before the licensee commences the civil action, the customer signs an affidavit agreeing to try the action in another Justice Court having jurisdiction over the subject matter and the parties. A licensee who operates a deferred deposit loan service shall not, directly or indirectly, require, intimidate, threaten or coerce a customer to sign such an affidavit.

(Added to NRS by 2005, 1689)—(Substituted in revision for part of NRS 604A.415)

NRS 604A.5015 Practices regarding customers who are members of military.

Notwithstanding any other provision of law:

1. If a customer who receives or attempts to receive deferred deposit loan services is a member of the military, a licensee who operates a deferred deposit loan service shall:

(a) Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. If a customer who receives or attempts to receive deferred deposit loan services is a member of the military, a licensee who operates a deferred deposit loan service shall not:

(a) Garnish or threaten to garnish any wages or salary of the customer or the customer's spouse; or

(b) Contact or threaten to contact the military chain of command of a customer in an effort to collect the deferred deposit loan.

3. If a customer who receives or attempts to receive deferred deposit loan services is a member of the military and is deployed to a combat or combat supporting position, a licensee who operates a deferred deposit loan service shall not engage in any collection activity against the customer or the customer's spouse.

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(Added to NRS by 2005, 1690; A 2007, 935, 2847)—(Substituted in revision for part of NRS 604A.420)

NRS 604A.5016 Provision of information and materials concerning public assistance and services. A person who operates a deferred deposit loan service may, in consultation with the Department of Health and Human Services, distribute in a location at which the person conducts business under his or her license information and materials provided by the Department concerning public assistance and services provided by an agency or political subdivision of this State or the United States, including, without limitation, programs for debt reduction or relief, Medicaid, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families.

(Added to NRS by 2019, 943)

NRS 604A.5017 Limitation regarding amount of loan.

1. A licensee who operates a deferred deposit loan service shall not make a deferred deposit loan that, in combination with any other outstanding loan of the customer, exceeds 25 percent of the expected gross monthly income of the customer when the deferred deposit loan is made.

2. A licensee who operates a deferred deposit loan service is not in violation of the provisions of this section if:

(a) The customer presents evidence of his or her gross monthly income to the licensee and represents to the licensee in writing that the deferred deposit loan does not exceed 25 percent of the customer's expected gross monthly income when the loan is made; and

(b) The licensee has utilized the database established pursuant to NRS 604A.303 to ensure that the deferred deposit loan, in combination with any other outstanding loan of the customer, does not exceed 25 percent of the customer's expected gross monthly income when the deferred deposit loan is made.

(Added to NRS by 2005, 1690; A 2007, 936; 2019, 944)

NRS 604A.5018 Prohibited acts by licensee regarding multiple loans to same customer.

1. A licensee who operates a deferred deposit loan service shall not make more than one deferred deposit loan, single-advance, single-payment loan or high-interest loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:

(a) The customer is seeking multiple loans that do not exceed the limits set forth in NRS 604A.5017 or 604A.5045, as applicable;

(b) The licensee charges the same or a lower fee or service charge per \$100 if it is a deferred deposit loan or single-advance, single-payment loan, or the same or a lower annual percentage rate of interest if it is a high-interest loan that is not a single-advance, single-payment loan, for any additional loans as the licensee charged for the initial loan;

(c) Except for that part of the finance charge which consists of interest only, the licensee does not impose any other charge or fee to initiate any additional loans, except that a licensee who makes deferred deposit loans or high-interest loans in accordance with the provisions of subsection 2 of NRS 604A.5029 or subsection 2 of NRS 604A.5057, as applicable, may charge a reasonable fee for preparing documents in an amount that does not exceed \$50; and

(d) If the additional loans are deferred deposit loans and the customer provides one or more additional checks that are not paid upon presentment or one or more electronic transfers of money fail, the licensee does not charge any fees to the customer pursuant to NRS 604A.5031, except for the fees allowed pursuant to that section for the first check that is not paid upon presentment or electronic transfer of money that failed.

2. As used in this section, "single-advance, single-payment loan" means a transaction in which, pursuant to a loan agreement, a customer is given a single advance equal to the amount financed with payment in full due within 35 days after the date of the transaction.

(Added to NRS by 2005, 1690; A 2007, 936)—(Substituted in revision for part of NRS 604A.430)

NRS 604A.502 Prohibited acts by licensee: Accepting collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks. A licensee who operates a deferred deposit loan service shall not:

1. Accept:

(a) Collateral as security for a deferred deposit loan.

(b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a deferred deposit loan.

(c) More than one check or written authorization for an electronic transfer of money for each deferred deposit loan.

(d) A check or written authorization for an electronic transfer of money for any deferred deposit loan in an amount which exceeds the total of payments set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the deferred deposit loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks are left to be filled in after the deferred deposit loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the deferred deposit loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a deferred deposit loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

(Added to NRS by 2005, 1691; A 2007, 936)—(Substituted in revision for part of NRS 604A.435)

NRS 604A.5021 Prohibited acts by licensee: Improper lending and collection practices; deceptive trade practices; false, misleading and deceptive advertising; reinitiating certain transactions; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter. A licensee who operates a deferred deposit loan service shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a deferred deposit loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan or extension negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for deferred deposit

loans.

7. Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

(Added to NRS by 2005, 1691; A 2017, 1441)—(Substituted in revision for part of NRS 604A.440)

NRS 604A.5023 Rescission of loan by customer.

1. A customer may rescind a deferred deposit loan on or before the close of business on the next day of business at the location where the deferred deposit loan was initiated. To rescind the deferred deposit loan, the customer must deliver to the licensee:

(a) A sum of money equal to the face value of the deferred deposit loan, less any fee charged to the customer to initiate the deferred deposit loan; or

(b) The original check, if any, which the licensee gave to the customer pursuant to the deferred deposit loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the deferred deposit loan.

2. If a customer rescinds a deferred deposit loan pursuant to this section, the licensee:

(a) Shall not charge the customer any fee for rescinding the deferred deposit loan; and

(b) Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and the check or written authorization given to initiate the deferred deposit loan which must be stamped "void."

(Added to NRS by 2005, 1693; A 2007, 937)—(Substituted in revision for part of NRS 604A.460)

NRS 604A.5024 Payment of loan in full.

1. A customer may pay a deferred deposit loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date the customer's final payment on the deferred deposit loan, or any extension thereof, is due.

2. If a customer pays the deferred deposit loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, the licensee shall:

(a) Give to the customer the check or the written authorization used to initiate the deferred deposit loan which must be stamped "void"; and

(b) Give to the customer a receipt with the following information:

(1) The name and address of the licensee;

(2) The identification number assigned to the loan agreement or other information that identifies the deferred deposit loan;

(3) The date of the payment;

(4) The amount paid;

(5) An itemization of interest, charges and fees;

(6) A statement that the deferred deposit loan is paid in full; and

(7) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

(Added to NRS by 2005, 1693; A 2007, 938)—(Substituted in revision for part of NRS 604A.465)

NRS 604A.5025 Partial payment on loan.

1. A customer may make a partial payment on a deferred deposit loan, or any extension thereof, at any time without an additional charge or fee.

2. If a customer makes such a partial payment, the licensee shall give to the customer a receipt with the following information:

- (a) The name and address of the licensee;
- (b) The identification number assigned to the loan agreement or other information that identifies the deferred deposit loan;
- (c) The date of the payment;
- (d) The amount paid;
- (e) An itemization of interest, charges and fees;
- (f) The balance due on the deferred deposit loan; and
- (g) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

(Added to NRS by 2005, 1694)—(Substituted in revision for part of NRS 604A.470)

NRS 604A.5026 Extended payment plan: Customer eligibility; requirements; restrictions; default.

1. A licensee who operates a deferred deposit loan service shall allow a customer with an outstanding deferred deposit loan to enter into an extended payment plan if the customer:

(a) Has not entered into an extended payment plan for the deferred deposit loan during the immediately preceding 12-month period; and

(b) Requests an extended repayment plan before the time the deferred deposit loan is due.

2. An extended payment plan entered into pursuant to subsection 1 must:

(a) Be in writing and be signed by the licensee and customer; and

(b) Provide a payment schedule of at least four payments over a period of at least 60 days.

3. An extended payment plan entered into pursuant to subsection 1 must not:

(a) Increase or decrease the amount owed under the deferred deposit loan.

(b) Include any interest or fees in addition to those charged under the terms of the deferred deposit loan.

4. If a customer defaults under an extended payment plan entered into pursuant to this section, the licensee may terminate the extended payment plan and accelerate the requirement to pay the amount owed.

(Added to NRS by 2017, 1438)

NRS 604A.5027 Repayment plan.

1. Before a licensee who operates a deferred deposit loan service attempts to collect the outstanding balance on a deferred deposit loan in default by commencing any civil action or process of alternative dispute resolution, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:

(a) Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and

(b) Is not required to make such an offer more than once for each deferred deposit loan.

2. If a licensee who operates a deferred deposit loan service intends to commence any civil action or process of alternative dispute resolution in an effort to collect a defaulted deferred deposit loan, the licensee shall deliver to the customer, not later than 15 days after the date of default, or not later than 5 days after a check is not paid upon presentment or an electronic transfer of money fails, whichever is later, written notice of the opportunity to enter into a repayment plan. The written notice must:

(a) Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;

(b) State the date by which the customer must act to enter into a repayment plan;

- (c) Explain the procedures the customer must follow to enter into a repayment plan;
 - (d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;
 - (e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and
 - (f) Include the following amounts:
 - (1) The total of payments or the remaining balance on the original deferred deposit loan;
 - (2) Any payments made on the deferred deposit loan;
 - (3) Any charges added to the deferred deposit loan amount allowed pursuant to the provisions of this chapter; and
 - (4) The total amount due if the customer enters into a repayment plan.
3. Under the terms of any repayment plan pursuant to this section:
- (a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;
 - (b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term;
 - (c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan; and
 - (d) The licensee:
 - (1) May require a customer to provide, as security, one or more checks or written authorizations for an electronic transfer of money which equal the total amount due under the terms of the repayment plan;
 - (2) Shall, if the customer makes a payment in the amount of a check or written authorization taken as security for that payment, return to the customer the check or written authorization stamped "void" or destroy the check or written authorization; and
 - (3) Shall not charge any fee to the customer pursuant to NRS 604A.5031 for a check which is provided as security during the repayment plan and which is not paid upon presentment if, in connection with that loan, the licensee has previously charged at least one such fee.
4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:
- (a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:
 - (1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or
 - (2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;
 - (b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;
 - (c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;
 - (d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in NRS 604A.5017 or 604A.5045, as applicable;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan.

6. Each time a customer who enters into a repayment plan pursuant to this section makes a payment pursuant to the repayment plan, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the loan;

(c) The date of the payment;

(d) The amount paid;

(e) The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and

(f) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

7. If a customer who enters into a repayment plan pursuant to this section defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution as otherwise authorized pursuant to this chapter.

(Added to NRS by 2005, 1694; A 2007, 938)—(Substituted in revision for part of NRS 604A.475)

NRS 604A.5029 Limitations on using proceeds of new deferred deposit loan or high-interest loan to pay balance of outstanding deferred deposit loan; exceptions.

1. Except as otherwise provided in subsection 2, if a customer agrees in writing to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan by using the proceeds of a new deferred deposit loan or high-interest loan to pay the balance of the outstanding deferred deposit loan, the licensee shall not establish or extend the period beyond 60 days after the expiration of the initial loan period. The licensee shall not add any unpaid interest or other charges accrued during the original term of the outstanding deferred deposit loan or any extension of the outstanding deferred deposit loan to the principal amount of the new deferred deposit loan or high-interest loan.

2. This section does not apply to a new deferred deposit loan or high-interest loan if the licensee:

(a) Makes the new deferred deposit loan or high-interest loan to a customer pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) Requires the customer to make a payment on the loan at least once every 30 days;

(3) Requires the loan to be paid in full in not less than 150 days; and

(4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;

(b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;

(c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;

(d) Gives the customer the right to rescind the new deferred deposit loan or high-interest loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;

(e) Participates in good faith with a counseling agency that is:

(1) Accredited by the Council on Accreditation of Services for Families and Children, Inc., or its successor organization; and

(2) A member of the National Foundation for Credit Counseling, or its successor organization; and

(f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.

(Added to NRS by 2005, 1696; A 2007, 940)—(Substituted in revision for part of NRS 604A.480)

NRS 604A.503 Limitations on amounts licensee may collect after default.

1. If a customer defaults on a deferred deposit loan or on any extension or repayment plan relating to the deferred deposit loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The unpaid principal amount of the deferred deposit loan.

(b) The unpaid interest, if any, accrued before the default at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension, in writing and signed by the customer, relating to the deferred deposit loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.5029.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the deferred deposit loan.

(d) Any fees allowed pursuant to NRS 604A.5031 for a check that is not paid upon presentment or an electronic transfer of money that fails because the account of the customer contains insufficient funds or has been closed.

↪ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the deferred deposit loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.5018 and 604A.5027, the licensee shall not charge any other amount to a customer who receives a deferred deposit loan, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the deferred deposit loan or the extension of credit. Such prohibited amounts include, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

(Added to NRS by 2005, 1697; A 2007, 941; 2013, 1517)—(Substituted in revision for part of NRS 604A.485)

NRS 604A.5031 Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.

1. A licensee who operates a deferred deposit loan service may collect a fee of not more than \$25 if a check is not paid upon presentment or an electronic transfer of money fails because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of \$25 each, regardless of the number of times the check is presented for payment or the electronic transfer of money is attempted.

3. If the account of the customer has been closed, the licensee may collect only one fee of \$25, regardless of the number of times the check is presented or the electronic transfer of money is attempted for payment.

4. A customer who receives or attempts to receive a deferred deposit loan is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

(Added to NRS by 2005, 1698; A 2007, 942)—(Substituted in revision for part of NRS 604A.490)

NRS 604A.5033 Receipt required for each payment by customer; contents. In addition to any other provision in this chapter, each time a customer who receives a deferred deposit loan makes a payment to a licensee who operates a deferred deposit loan service, the licensee shall give to the customer a receipt with the following information:

1. The name and address of the licensee;

2. The identification number assigned to the loan agreement or other information that identifies the deferred deposit loan;

3. The date of the payment;

4. The amount paid;

5. The balance due on the deferred deposit loan or, when the customer makes a final payment, a statement that the deferred deposit loan is paid in full; and

6. If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

(Added to NRS by 2005, 1698)—(Substituted in revision for part of NRS 604A.495)

NRS 604A.5034 Requirements regarding person acting as agent or assisting in making loan.

1. A person shall not act as an agent for or assist a licensee who operates a deferred deposit loan service in the making of a deferred deposit loan unless the licensee complies with all applicable federal and state laws, regulations and guidelines.

2. The provisions of this section do not apply to the agent or assistant to a state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company if the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company:

(a) Initially advances the loan proceeds to the customer; and

(b) Does not sell, assign or transfer a preponderant economic interest in the deferred deposit loan to the agent or assistant or an affiliate or subsidiary of the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan

company, unless selling, assigning or transferring a preponderant economic interest is expressly permitted by the primary regulator of the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company.

3. If a licensee who operates a deferred deposit loan service acts as an agent for or assists a state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company in the making of a deferred deposit loan and the licensee can show that the standards set forth in subsection 2 are satisfied, the licensee must comply with all other provisions in this chapter to the extent they are not preempted by other state or federal law.

(Added to NRS by 2005, 1698)—(Substituted in revision for part of NRS 604A.500)

High-Interest Loan Services

NRS 604A.5035 Determination of whether loan is high-interest loan.

1. Except as otherwise provided in this section, for the purposes of determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent, calculations must be made in accordance with the Truth in Lending Act and Regulation Z, except that every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the lender must be included in calculating the annual percentage rate, including, without limitation:

(a) Interest;

(b) Application fees, regardless of whether such fees are charged to all applicants or credit is actually extended;

(c) Fees charged for participation in a credit plan, whether assessed on an annual, periodic or nonperiodic basis; and

(d) Prepaid finance charges.

2. The following charges and fees must be excluded from the calculation of the annual percentage rate pursuant to subsection 1:

(a) Any fees allowed pursuant to NRS 604A.5061 or 675.365 for a check not paid upon presentment or an electronic transfer of money that fails;

(b) Interest accrued after default pursuant to paragraph (c) of subsection 1 of NRS 604A.5058;

(c) Charges for an unanticipated late payment, exceeding a credit limit, or a delinquency, default or similar occurrence;

(d) Any premiums or identifiable charges for insurance permitted pursuant to NRS 675.300; and

(e) The fee allowed pursuant to NRS 604A.506.

3. Calculation of the annual percentage rate in the manner specified in this section is limited only to the determination of whether a loan is a high-interest loan and must not be used in compliance with the disclosure requirements of paragraph (g) of subsection 2 of NRS 604A.504 or any other provisions of this chapter requiring disclosure of an annual percentage rate in the making of a loan.

(Added to NRS by 2007, 930; A 2013, 1516)—(Substituted in revision for NRS 604A.407)

NRS 604A.5037 Limitations on original term.

1. Except as otherwise provided in this chapter, the original term of a high-interest loan must not exceed 35 days.

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension;

(d) The loan does not require a balloon payment of any kind; and

(e) The loan is not a deferred deposit loan.

3. Notwithstanding the provisions of NRS 604A.5057, a licensee who operates a high-interest loan service shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

(Added to NRS by 2007, 931; A 2017, 1440)—(Substituted in revision for part of NRS 604A.408)

NRS 604A.5038 Licensee required to make determination of ability of customer to repay loan and compliance of loan with certain requirements before making loan.

1. A licensee who operates a high-interest loan service shall not make a high-interest loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the high-interest loan and that the high-interest loan complies with the provisions of NRS 604A.5045 or subsection 2 of NRS 604A.5057, as applicable.

2. For the purposes of subsection 1, a customer has the ability to repay a high-interest loan if the customer has a reasonable ability to repay the high-interest loan, as determined by the licensee after considering, to the extent available, the following underwriting factors:

(a) The current or reasonably expected income of the customer;

(b) The current employment status of the customer based on evidence including, without limitation, a pay stub or bank deposit;

(c) The credit history of the customer;

(d) The amount due under the original term of the high-interest loan, the monthly payment on the high-interest loan, if the high-interest loan is an installment loan, or the potential repayment plan if the customer defaults on the high-interest loan; and

(e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.

3. For the purposes of subsection 1, a licensee who operates a high-interest loan service shall not consider the ability of any person other than the customer to repay the high-interest loan.

(Added to NRS by 2017, 1438)

NRS 604A.504 Written loan agreement required; contents.

1. Before making a high-interest loan to a customer, a licensee who operates a high-interest loan service shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:

(a) English, if the transaction is conducted in English; or

(b) Spanish, if the transaction is conducted in Spanish.

2. The loan agreement for the high-interest loan must include, without limitation, the following information:

(a) The name and address of the licensee and the customer;

(b) The nature of the security for the high-interest loan, if any;

(c) The date and amount of the high-interest loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;

(d) A disclosure of the right of the customer to rescind a high-interest loan pursuant to the provisions of this chapter;

(e) A disclosure of the right of the customer to pay his or her high-interest loan in full or in part with no additional charge pursuant to the provisions of this chapter;

(f) A disclosure stating that, if the customer defaults on the high-interest loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution; and

(g) Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.

(Added to NRS by 2005, 1689; A 2007, 935)—(Substituted in revision for part of NRS 604A.410)

NRS 604A.5041 Requirements for collection of defaulted loan; civil action to collect debt; venue.

1. If a customer defaults on a high-interest loan, the licensee who operates a high-interest loan service may collect the debt owed to the licensee only in a professional, fair and lawful manner. When collecting such a debt, the licensee must act in accordance with and must not violate sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, as amended, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the licensee is not otherwise subject to the provisions of that Act.

2. If a licensee who operates a high-interest loan service commences a civil action against a customer to collect a debt, the court may award:

(a) Court costs;

(b) Costs of service of process, except that the costs must not exceed the amount of the fees charged by the sheriff or constable for service of process in the county where the action was brought or, if the customer was not served in that county, in the county where the customer was served; and

(c) Reasonable attorney's fees. In determining the amount of the attorney's fees and whether they are reasonable, the court shall consider the complexity of the case, the amount of the debt and whether the licensee could have used less costly means to collect the debt.

3. Notwithstanding any provision of NRS 66.010 to the contrary, if:

(a) A licensee who operates a high-interest loan service intends to commence a civil action in a Justice Court against a customer to collect a debt; and

(b) The customer resides in the county where the high-interest loan was made,

↳ the licensee is required to commence the civil action in the Justice Court for the township where the high-interest loan was made unless, after the date of default and before the licensee commences the civil action, the customer signs an affidavit agreeing to try the action in another Justice Court having jurisdiction over the subject matter and the parties. A licensee who operates a high-interest loan service shall not, directly or indirectly, require, intimidate, threaten or coerce a customer to sign such an affidavit.

(Added to NRS by 2005, 1689)—(Substituted in revision for part of NRS 604A.415)

NRS 604A.5042 Provision of information and materials concerning public assistance and services. A person who operates a high-interest loan service may, in consultation with the Department of Health and Human Services, distribute in a location at which the person conducts business under his or her license information and materials provided by the Department concerning public assistance and services provided by an agency or political subdivision of this State or the United States, including, without limitation, programs for debt reduction or relief, Medicaid, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families.

(Added to NRS by 2019, 943)

NRS 604A.5043 Practices regarding customers who are members of military. Notwithstanding any other provision of law:

1. If a customer who receives or attempts to receive high-interest loan services is a member of the military, a licensee who operates a high-interest loan service shall:

(a) Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. If a customer who receives or attempts to receive high-interest loan services is a member of the military, a licensee who operates a high-interest loan service shall not:

(a) Garnish or threaten to garnish any wages or salary of the customer or the customer's spouse; or

(b) Contact or threaten to contact the military chain of command of a customer in an effort to collect the high-interest loan.

3. If a customer who receives or attempts to receive high-interest loan services is a member of the military and is deployed to a combat or combat supporting position, a licensee who operates a high-interest loan service shall not engage in any collection activity against the customer or the customer's spouse.

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(Added to NRS by 2005, 1690; A 2007, 935, 2847)—(Substituted in revision for part of NRS 604A.420)

NRS 604A.5045 Limitation regarding amount of loan.

1. A licensee who operates a high-interest loan service shall not make a high-interest loan which, under the terms of the loan agreement and in combination with any other outstanding loan of the customer, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. A licensee who operates a high-interest loan service is not in violation of the provisions of this section if:

(a) The customer presents evidence of his or her gross monthly income to the licensee and represents to the licensee in writing that the monthly payment required under the terms of the loan agreement for the high-interest loan does not exceed 25 percent of the customer's expected gross monthly income; and

(b) The licensee has utilized the database established pursuant to NRS 604A.303 to ensure that the terms of the high-interest loan, in combination with any other outstanding loan of the customer, do not require any monthly payment that exceeds 25 percent of the customer's expected gross monthly income when the loan is made.

(Added to NRS by 2005, 1690; A 2007, 936; 2019, 944)

NRS 604A.5046 Prohibited acts by licensee regarding multiple loans to same customer.

1. A licensee who operates a high-interest loan service shall not make more than one deferred deposit loan, single-advance, single-payment loan or high-interest loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:

(a) The customer is seeking multiple loans that do not exceed the limits set forth in NRS 604A.5017 or 604A.5045, as applicable;

(b) The licensee charges the same or a lower fee or service charge per \$100 if it is a deferred deposit loan or single-advance, single-payment loan, or the same or a lower annual percentage rate of interest if it is a high-interest loan that is not a single-advance, single-payment loan, for any additional loans as the licensee charged for the initial loan;

(c) Except for that part of the finance charge which consists of interest only, the licensee does not impose any other charge or fee to initiate any additional loans, except that a licensee who makes deferred deposit loans or high-interest loans in accordance with the provisions of subsection 2 of NRS 604A.5029 or subsection 2 of NRS 604A.5057, as applicable, may charge a reasonable fee for preparing documents in an amount that does not exceed \$50; and

(d) If the additional loans are deferred deposit loans and the customer provides one or more additional checks that are not paid upon presentment or one or more electronic transfers of money fail, the licensee does not charge any fees to the customer pursuant to NRS 604A.5031, except for the fees allowed pursuant to that section for the first check that is not paid upon presentment or electronic transfer of money that failed.

2. As used in this section, “single-advance, single-payment loan” means a transaction in which, pursuant to a loan agreement, a customer is given a single advance equal to the amount financed with payment in full due within 35 days after the date of the transaction.

(Added to NRS by 2005, 1690; A 2007, 936)—(Substituted in revision for part of NRS 604A.430)

NRS 604A.5048 Prohibited acts by licensee: Accepting collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks. A licensee who operates a high-interest loan service shall not:

1. Accept:

(a) Collateral as security for a high-interest loan.

(b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a high-interest loan.

(c) A check as security for a high-interest loan.

2. Take any note or promise to pay which does not disclose the date and amount of the high-interest loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks are left to be filled in after the high-interest loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the high-interest loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a high-interest loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

(Added to NRS by 2005, 1691; A 2007, 936)—(Substituted in revision for part of NRS 604A.435)

NRS 604A.5049 Prohibited acts by licensee: Improper lending and collection practices; deceptive trade practices; false, misleading and deceptive advertising; reinitiating certain transactions; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter. A licensee who operates a high-interest loan service shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a high-interest loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution before the customer defaults under the original term of a loan agreement or before the customer defaults

under any repayment plan or extension negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for high-interest loans.

7. Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

(Added to NRS by 2005, 1691; A 2017, 1441)—(Substituted in revision for part of NRS 604A.440)

NRS 604A.505 Rescission of loan by customer.

1. A customer may rescind a high-interest loan on or before the close of business on the next day of business at the location where the high-interest loan was initiated. To rescind the high-interest loan, the customer must deliver to the licensee:

(a) A sum of money equal to the face value of the high-interest loan, less any fee charged to the customer to initiate the high-interest loan; or

(b) The original check, if any, which the licensee gave to the customer pursuant to the high-interest loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the high-interest loan.

2. If a customer rescinds a high-interest loan pursuant to this section, the licensee:

(a) Shall not charge the customer any fee for rescinding the high-interest loan; and

(b) Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and a copy of the promissory note given to initiate the high-interest loan which must be stamped "void" or the receipt stamped "paid in full."

(Added to NRS by 2005, 1693; A 2007, 937)—(Substituted in revision for part of NRS 604A.460)

NRS 604A.5052 Payment of loan in full.

1. A customer may pay a high-interest loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date the customer's final payment on the high-interest loan, or any extension thereof, is due.

2. If a customer pays the high-interest loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, the licensee shall:

(a) Give to the customer the promissory note used to initiate the high-interest loan which must be stamped "void" or a receipt stamped "paid in full"; and

(b) Give to the customer a receipt with the following information:

- (1) The name and address of the licensee;
 - (2) The identification number assigned to the loan agreement or other information that identifies the high-interest loan;
 - (3) The date of the payment;
 - (4) The amount paid;
 - (5) An itemization of interest, charges and fees;
 - (6) A statement that the high-interest loan is paid in full; and
 - (7) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.
- (Added to NRS by 2005, 1693; A 2007, 938)—(Substituted in revision for part of NRS 604A.465)

NRS 604A.5053 Partial payment on loan.

1. A customer may make a partial payment on a high-interest loan, or any extension thereof, at any time without an additional charge or fee.
 2. If a customer makes such a partial payment, the licensee shall give to the customer a receipt with the following information:
 - (a) The name and address of the licensee;
 - (b) The identification number assigned to the loan agreement or other information that identifies the high-interest loan;
 - (c) The date of the payment;
 - (d) The amount paid;
 - (e) An itemization of interest, charges and fees;
 - (f) The balance due on the high-interest loan; and
 - (g) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.
- (Added to NRS by 2005, 1694)—(Substituted in revision for part of NRS 604A.470)

NRS 604A.5055 Repayment plan.

1. Before a licensee who operates a high-interest loan service attempts to collect the outstanding balance on a high-interest loan in default by commencing any civil action or process of alternative dispute resolution, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:
 - (a) Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and
 - (b) Is not required to make such an offer more than once for each high-interest loan.
2. If a licensee who operates a high-interest loan service intends to commence any civil action or process of alternative dispute resolution in an effort to collect a defaulted high-interest loan, the licensee shall deliver to the customer, not later than 15 days after the date of default, or not later than 5 days after a check is not paid upon presentment or an electronic transfer of money fails, whichever is later, written notice of the opportunity to enter into a repayment plan. The written notice must:
 - (a) Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;
 - (b) State the date by which the customer must act to enter into a repayment plan;
 - (c) Explain the procedures the customer must follow to enter into a repayment plan;
 - (d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;

(e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and

(f) Include the following amounts:

(1) The total of payments or the remaining balance on the original high-interest loan;

(2) Any payments made on the high-interest loan;

(3) Any charges added to the high-interest loan amount allowed pursuant to the provisions of this chapter; and

(4) The total amount due if the customer enters into a repayment plan.

3. Under the terms of any repayment plan pursuant to this section:

(a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;

(b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term; and

(c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in NRS 604A.5017 or 604A.5045, as applicable;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan.

6. Each time a customer who enters into a repayment plan pursuant to this section makes a payment pursuant to the repayment plan, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the loan;

(c) The date of the payment;

(d) The amount paid;

(e) The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and

(f) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

7. If a customer who enters into a repayment plan pursuant to this section defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution as otherwise authorized pursuant to this chapter.

(Added to NRS by 2005, 1694; A 2007, 938)—(Substituted in revision for part of NRS 604A.475)

NRS 604A.5057 Limitations on using proceeds of new deferred deposit loan or high-interest loan to pay balance of outstanding high-interest loan; exceptions.

1. Except as otherwise provided in subsection 2, if a customer agrees in writing to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding high-interest loan by using the proceeds of a new deferred deposit loan or high-interest loan to pay the balance of the outstanding high-interest loan, the licensee shall not establish or extend the period beyond 60 days after the expiration of the initial loan period. The licensee shall not add any unpaid interest or other charges accrued during the original term of the outstanding high-interest loan or any extension of the outstanding high-interest loan to the principal amount of the new deferred deposit loan or high-interest loan.

2. This section does not apply to a new deferred deposit loan or high-interest loan if the licensee:

(a) Makes the new deferred deposit loan or high-interest loan to a customer pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) Requires the customer to make a payment on the loan at least once every 30 days;

(3) Requires the loan to be paid in full in not less than 150 days; and

(4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;

(b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;

(c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;

(d) Gives the customer the right to rescind the new deferred deposit loan or high-interest loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;

(e) Participates in good faith with a counseling agency that is:

(1) Accredited by the Council on Accreditation of Services for Families and Children, Inc., or its successor organization; and

(2) A member of the National Foundation for Credit Counseling, or its successor organization; and

(f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.

(Added to NRS by 2005, 1696; A 2007, 940)—(Substituted in revision for part of NRS 604A.480)

NRS 604A.5058 Limitations on amounts licensee may collect after default.

1. If a customer defaults on a high-interest loan or on any extension or repayment plan relating to the high-interest loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The unpaid principal amount of the high-interest loan.

(b) The unpaid interest, if any, accrued before the default at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension, in writing and signed by the customer, relating to the high-interest loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.5057.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the high-interest loan.

(d) Any fees allowed pursuant to NRS 604A.5061 for a check that is not paid upon presentment or an electronic transfer of money that fails because the account of the customer contains insufficient funds or has been closed.

➔ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the high-interest loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.5046, 604A.5055 and 604A.506, the licensee shall not charge any other amount to a customer who receives a high-interest loan, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the high-interest loan or the extension of credit. Such prohibited amounts include, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

(Added to NRS by 2005, 1697; A 2007, 941; 2013, 1517)—(Substituted in revision for part of NRS 604A.485)

NRS 604A.506 Limitations on fees licensees may charge after default on installment payments. In addition to the amounts authorized to be collected pursuant to NRS 604A.5058, a licensee who makes a high-interest loan in accordance with the provisions of subsection 2 of NRS 604A.5057 may charge a fee of not more than \$15, payable on a one-time basis, for any installment payment that remains unpaid 10 days or more after the date of default.

(Added to NRS by 2013, 1516)—(Substituted in revision for NRS 604A.487)

NRS 604A.5061 Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.

1. A licensee who operates a high-interest loan service may collect a fee of not more than \$25 if a check is not paid upon presentment or an electronic transfer of money fails because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of \$25 each, regardless of the number of times the check is presented for payment or the electronic transfer of money is attempted.

3. If the account of the customer has been closed, the licensee may collect only one fee of \$25, regardless of the number of times the check is presented or the electronic transfer of money is attempted for payment.

4. A customer who receives or attempts to receive a high-interest loan is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

(Added to NRS by 2005, 1698; A 2007, 942)—(Substituted in revision for part of NRS 604A.490)

NRS 604A.5063 Receipt required for each payment by customer; contents. In addition to any other provision in this chapter, each time a customer who receives a high-interest loan makes a payment to a licensee who operates a high-interest loan service, the licensee shall give to the customer a receipt with the following information:

1. The name and address of the licensee;
2. The identification number assigned to the loan agreement or other information that identifies the high-interest loan;
3. The date of the payment;
4. The amount paid;
5. The balance due on the high-interest loan or, when the customer makes a final payment, a statement that the high-interest loan is paid in full; and
6. If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

(Added to NRS by 2005, 1698)—(Substituted in revision for part of NRS 604A.495)

NRS 604A.5064 Requirements regarding person acting as agent or assisting in making loan.

1. A person shall not act as an agent for or assist a licensee who operates a high-interest loan service in the making of a high-interest loan unless the licensee complies with all applicable federal and state laws, regulations and guidelines.

2. The provisions of this section do not apply to the agent or assistant to a state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company if the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company:

- (a) Initially advances the loan proceeds to the customer; and
- (b) Does not sell, assign or transfer a preponderant economic interest in the high-interest loan to the agent or assistant or an affiliate or subsidiary of the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company, unless selling, assigning or transferring a preponderant economic interest is expressly permitted by the primary regulator of the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company.

3. If a licensee who operates a high-interest loan service acts as an agent for or assists a state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company in the making of a high-interest loan and the licensee can show that the standards set forth in subsection 2 are satisfied, the licensee must comply with all other provisions in this chapter to the extent they are not preempted by other state or federal law.

(Added to NRS by 2005, 1698)—(Substituted in revision for part of NRS 604A.500)

Title Loan Services

NRS 604A.5065 Licensee required to make determination of ability of customer to repay loan and compliance of loan with certain requirements before making loan.

1. A licensee who operates a title loan service shall not make a title loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the title loan and that the title loan complies with the provisions of NRS 604A.5076.

2. For the purposes of subsection 1, a customer has the ability to repay a title loan if the customer has a reasonable ability to repay the title loan, as determined by the licensee after considering, to the extent available, the following underwriting factors:

- (a) The current or reasonably expected income of the customer;
- (b) The current employment status of the customer based on evidence including, without limitation, a pay stub or bank deposit;
- (c) The credit history of the customer;
- (d) The amount due under the original term of the title loan, the monthly payment on the title loan, if the title loan is an installment loan, or the potential repayment plan if the customer defaults on the title loan; and
- (e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.

3. For the purposes of subsection 1, a licensee who operates a title loan service shall not consider the ability of any person other than the customer to repay the title loan.

(Added to NRS by 2017, 1438)

NRS 604A.5067 Written loan agreement required; contents.

1. Before making a title loan to a customer, a licensee who operates a title loan service shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:

- (a) English, if the transaction is conducted in English; or
- (b) Spanish, if the transaction is conducted in Spanish.

2. The loan agreement for a title loan must include, without limitation, the following information:

- (a) The name and address of the licensee and the customer;
- (b) The nature of the security for the title loan, if any;
- (c) The date and amount of the title loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;
- (d) A disclosure of the right of the customer to rescind a title loan pursuant to the provisions of this chapter;
- (e) A disclosure of the right of the customer to pay his or her title loan in full or in part with no additional charge pursuant to the provisions of this chapter;
- (f) A disclosure stating that, if the customer defaults on the title loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or, if appropriate for the loan, before the licensee repossesses a vehicle; and
- (g) Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.

(Added to NRS by 2005, 1689; A 2007, 935)—(Substituted in revision for part of NRS 604A.410)

NRS 604A.5068 Requirements for collection of defaulted loan; civil action to collect debt; venue.

1. If a customer defaults on a title loan, the licensee who operates a title loan service may collect the debt owed to the licensee only in a professional, fair and lawful manner. When collecting such a debt, the licensee must act in accordance with and must not violate sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, as amended, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the licensee is not otherwise subject to the provisions of that Act.

2. If a licensee who operates a title loan service commences a civil action against a customer to collect a debt, the court may award:

(a) Court costs;

(b) Costs of service of process, except that the costs must not exceed the amount of the fees charged by the sheriff or constable for service of process in the county where the action was brought or, if the customer was not served in that county, in the county where the customer was served; and

(c) Reasonable attorney's fees. In determining the amount of the attorney's fees and whether they are reasonable, the court shall consider the complexity of the case, the amount of the debt and whether the licensee could have used less costly means to collect the debt.

3. Notwithstanding any provision of NRS 66.010 to the contrary, if:

(a) A licensee who operates a title loan service intends to commence a civil action in a Justice Court against a customer to collect a debt; and

(b) The customer resides in the county where the title loan was made,

↳ the licensee is required to commence the civil action in the Justice Court for the township where the title loan was made unless, after the date of default and before the licensee commences the civil action, the customer signs an affidavit agreeing to try the action in another Justice Court having jurisdiction over the subject matter and the parties. A licensee who operates a title loan service shall not, directly or indirectly, require, intimidate, threaten or coerce a customer to sign such an affidavit.

(Added to NRS by 2005, 1689)—(Substituted in revision for part of NRS 604A.415)

NRS 604A.507 Practices regarding customers who are members of military.
Notwithstanding any other provision of law:

1. If a customer who receives or attempts to receive title loan services is a member of the military, a licensee who operates a title loan service shall:

(a) Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. If a customer who receives or attempts to receive title loan services is a member of the military, a licensee who operates a title loan service shall not:

(a) Garnish or threaten to garnish any wages or salary of the customer or the customer's spouse; or

(b) Contact or threaten to contact the military chain of command of a customer in an effort to collect the title loan.

3. If a customer who receives or attempts to receive title loan services is a member of the military and is deployed to a combat or combat supporting position, a licensee who operates a title loan service shall not engage in any collection activity against the customer or the customer's spouse.

4. As used in this section, “military” means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(Added to NRS by 2005, 1690; A 2007, 935, 2847)—(Substituted in revision for part of NRS 604A.420)

NRS 604A.50705 Provision of information and materials concerning public assistance and services. A person who operates a title loan service may, in consultation with the Department of Health and Human Services, distribute in a location at which the person conducts business under his or her license information and materials provided by the Department concerning public assistance and services provided by an agency or political subdivision of this State or the United States, including, without limitation, programs for debt reduction or relief, Medicaid, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families.

(Added to NRS by 2019, 943)

NRS 604A.5071 Prohibited acts by licensee: Accepting certain collateral or other types of security; failing to make certain disclosures; taking incomplete instruments; requiring the purchase of insurance or other goods or services; failing to comply with payment plan; charging fee to cash certain checks. A licensee who operates a title loan service shall not:

1. Accept:

(a) Collateral as security for a title loan, except that a title to a vehicle may be accepted as security for a title loan.

(b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a title loan.

(c) A check as security for a title loan.

2. Take any note or promise to pay which does not disclose the date and amount of the title loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks are left to be filled in after the title loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the title loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a title loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

(Added to NRS by 2005, 1691; A 2007, 936)—(Substituted in revision for part of NRS 604A.435)

NRS 604A.5072 Prohibited acts by licensee: Improper lending and collection practices; deceptive trade practices; false, misleading and deceptive advertising; reinitiating certain transactions; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter. A licensee who operates a title loan service shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a title loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution or repossess a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan or extension negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for title loans.

7. Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

(Added to NRS by 2005, 1691; A 2017, 1441)—(Substituted in revision for part of NRS 604A.440)

NRS 604A.5074 Restrictions on duration of loan and periods of extension.

Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension;

(d) The loan does not require a balloon payment of any kind; and

(e) The loan is not a deferred deposit loan.

(Added to NRS by 2005, 1692; A 2007, 937; 2017, 1441)—(Substituted in revision for NRS 604A.445)

NRS 604A.5076 Prohibited acts by licensee regarding amount of loan, ownership of vehicle and customer's ability to repay loan. A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the vehicle securing the title loan.

2. Make a title loan to a customer secured by a vehicle which is not legally owned by the customer.

3. Make a title loan without determining that the customer has the ability to repay the title loan, as required by NRS 604A.5065. In complying with this subsection, the licensee shall not consider the income of any person who is not a legal owner of the vehicle securing the title loan but may consider a customer's community property and the income of any other customers who consent to the loan pursuant to subsection 5 and enter into a loan agreement with the licensee.

4. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations, employment and ownership of the vehicle; and

(b) The customer has the ability to repay the title loan.

5. Make a title loan secured by a vehicle with multiple legal owners without the consent of each owner.

(Added to NRS by 2005, 1692; A 2017, 1442)—(Substituted in revision for NRS 604A.450)

NRS 604A.5078 Applicability of Uniform Commercial Code; repossession of vehicle; civil action.

1. Except where in conflict with the provisions of this section, the provisions of chapters 104 to 104C, inclusive, of NRS apply to any title loan between a licensee who operates a title loan service and a customer.

2. Except as otherwise provided in this section, if a customer defaults on a title loan, or on any extension or repayment plan relating to the title loan, the sole remedy of the licensee who made the title loan is to seek repossession and sale of the vehicle which the customer used to secure the title loan. The licensee who made the title loan may not pursue the customer personally for:

(a) Payment of the loan, unless the licensee proves the customer prevented the repossession and sale of the vehicle by any means, including, without limitation, hiding the vehicle; or

(b) Any deficiency after repossession and sale of the vehicle which the customer used to secure the title loan, unless the licensee proves the customer damaged or otherwise committed or permitted waste on the vehicle. For the purposes of this paragraph, it shall not be deemed waste for the customer to continue to use the vehicle in the same manner it was used before the customer entered into the title loan.

3. If a vehicle is repossessed pursuant to this section:

(a) By the licensee or his or her employees, the licensee shall make reasonably available to the customer any personal property in or upon the vehicle; or

(b) By a third party acting on behalf of the licensee, the licensee shall instruct the third party to make reasonably available to the customer any personal property in or upon the vehicle.

4. If a customer uses fraud to secure a title loan or if the customer wrongfully transfers any interest in the vehicle to a third party before the title loan is repaid, the licensee who made the title loan may bring a civil action against the customer for any or all of the following relief:

(a) The amount of the loan obligation, including, without limitation, the aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, less any prior payments made by the customer;

(b) Reasonable attorney's fees and costs; and

(c) Any other legal or equitable relief that the court deems appropriate.

5. As used in this section, "fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the customer with the intent to deprive the licensee of his or her rights or property or to otherwise injure the licensee. The term includes, without

limitation, giving to a licensee as security for a title loan the title to a vehicle which does not belong to the customer.

(Added to NRS by 2005, 1692)—(Substituted in revision for NRS 604A.455)

NRS 604A.5079 Rescission of loan by customer.

1. A customer may rescind a title loan on or before the close of business on the next day of business at the location where the title loan was initiated. To rescind the title loan, the customer must deliver to the licensee:

(a) A sum of money equal to the face value of the title loan, less any fee charged to the customer to initiate the title loan; or

(b) The original check, if any, which the licensee gave to the customer pursuant to the title loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the title loan.

2. If a customer rescinds a title loan pursuant to this section, the licensee:

(a) Shall not charge the customer any fee for rescinding the title loan; and

(b) Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and the title to the vehicle given by the customer to the licensee to initiate the title loan.

(Added to NRS by 2005, 1693; A 2007, 937)—(Substituted in revision for part of NRS 604A.460)

NRS 604A.508 Payment of loan in full.

1. A customer may pay a title loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date the customer's final payment on the title loan, or any extension thereof, is due.

2. If a customer pays the title loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, the licensee shall give to the customer:

(a) The title to the vehicle given by the customer to the licensee to initiate the title loan; and

(b) A receipt with the following information:

(1) The name and address of the licensee;

(2) The identification number assigned to the loan agreement or other information that identifies the title loan;

(3) The date of the payment;

(4) The amount paid;

(5) An itemization of interest, charges and fees;

(6) A statement that the title loan is paid in full; and

(7) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

(Added to NRS by 2005, 1693; A 2007, 938)—(Substituted in revision for part of NRS 604A.465)

NRS 604A.5081 Partial payment on loan.

1. A customer may make a partial payment on a title loan, or any extension thereof, at any time without an additional charge or fee.

2. If a customer makes such a partial payment, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the title loan;

- (c) The date of the payment;
 - (d) The amount paid;
 - (e) An itemization of interest, charges and fees;
 - (f) The balance due on the title loan; and
 - (g) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.
- (Added to NRS by 2005,1694)—(Substituted in revision for part of NRS 604A.470)

NRS 604A.5083 Repayment plan.

1. Before a licensee who operates a title loan service attempts to collect the outstanding balance on a title loan in default by commencing any civil action or process of alternative dispute resolution or repossessing a vehicle, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:

(a) Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and

(b) Is not required to make such an offer more than once for each title loan.

2. If a licensee who operates a title loan service intends to commence any civil action or process of alternative dispute resolution or repossess a vehicle in an effort to collect a defaulted title loan, the licensee shall deliver to the customer, not later than 15 days after the date of default, or not later than 5 days after a check is not paid upon presentment or an electronic transfer of money fails, whichever is later, written notice of the opportunity to enter into a repayment plan. The written notice must:

(a) Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;

(b) State the date by which the customer must act to enter into a repayment plan;

(c) Explain the procedures the customer must follow to enter into a repayment plan;

(d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;

(e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and

(f) Include the following amounts:

(1) The total of payments or the remaining balance on the original title loan;

(2) Any payments made on the title loan;

(3) Any charges added to the title loan amount allowed pursuant to the provisions of this chapter; and

(4) The total amount due if the customer enters into a repayment plan.

3. Under the terms of any repayment plan pursuant to this section:

(a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;

(b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term; and

(c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the

customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in NRS 604A.5017 or 604A.5045, as applicable;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan.

6. Each time a customer who enters into a repayment plan pursuant to this section makes a payment pursuant to the repayment plan, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the loan;

(c) The date of the payment;

(d) The amount paid;

(e) The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and

(f) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

7. If a customer who enters into a repayment plan pursuant to this section defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution or repossess a vehicle as otherwise authorized pursuant to this chapter.

(Added to NRS by 2005, 1694; A 2007, 938)—(Substituted in revision for part of NRS 604A.475)

NRS 604A.5085 Limitations on amounts licensee may collect after default.

1. If a customer defaults on a title loan or on any extension or repayment plan relating to the title loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The unpaid principal amount of the title loan.

(b) The unpaid interest, if any, accrued before the default at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension, in writing and signed by the customer, relating to the title loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the title loan.

(d) Any fees allowed pursuant to NRS 604A.5086 for a check that is not paid upon presentment or an electronic transfer of money that fails because the account of the customer contains insufficient funds or has been closed.

↪ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the title loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.5074 and 604A.5083, the licensee shall not charge any other amount to a customer who receives a title loan, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the title loan or the extension of credit. Such prohibited amounts include, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

(Added to NRS by 2005, 1697; A 2007, 941; 2013, 1517)—(Substituted in revision for part of NRS 604A.485)

NRS 604A.5086 Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.

1. A licensee who operates a title loan service may collect a fee of not more than \$25 if a check is not paid upon presentment or an electronic transfer of money fails because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of \$25 each, regardless of the number of times the check is presented for payment or the electronic transfer of money is attempted.

3. If the account of the customer has been closed, the licensee may collect only one fee of \$25, regardless of the number of times the check is presented or the electronic transfer of money is attempted for payment.

4. A customer who receives or attempts to receive a title loan is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

(Added to NRS by 2005, 1698; A 2007, 942)—(Substituted in revision for part of NRS 604A.490)

NRS 604A.5088 Receipt required for each payment by customer; contents. In addition to any other provision in this chapter, each time a customer who receives a title loan

makes a payment to a licensee who operates a title loan service, the licensee shall give to the customer a receipt with the following information:

1. The name and address of the licensee;
2. The identification number assigned to the loan agreement or other information that identifies the title loan;
3. The date of the payment;
4. The amount paid;
5. The balance due on the title loan or, when the customer makes a final payment, a statement that the title loan is paid in full; and
6. If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

(Added to NRS by 2005, 1698)—(Substituted in revision for part of NRS 604A.495)

NRS 604A.5089 Requirements regarding person acting as agent or assisting in making loan.

1. A person shall not act as an agent for or assist a licensee who operates a title loan service in the making of a title loan unless the licensee complies with all applicable federal and state laws, regulations and guidelines.

2. The provisions of this section do not apply to the agent or assistant to a state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company if the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company:

(a) Initially advances the loan proceeds to the customer; and

(b) Does not sell, assign or transfer a preponderant economic interest in the title loan to the agent or assistant or an affiliate or subsidiary of the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company, unless selling, assigning or transferring a preponderant economic interest is expressly permitted by the primary regulator of the state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company.

3. If a licensee who operates a title loan service acts as an agent for or assists a state or federally chartered bank, thrift company, savings and loan association, savings bank or industrial loan company in the making of a title loan and the licensee can show that the standards set forth in subsection 2 are satisfied, the licensee must comply with all other provisions in this chapter to the extent they are not preempted by other state or federal law.

(Added to NRS by 2005, 1698)—(Substituted in revision for part of NRS 604A.500)

Check-Cashing Services

NRS 604A.509 Practices regarding customers who are members of military.

Notwithstanding any other provision of law:

1. If a customer who receives or attempts to receive check-cashing services is a member of the military, a licensee who operates a check-cashing service shall:

(a) Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. If a customer who receives or attempts to receive check-cashing services is a member of the military, a licensee who operates a check-cashing service shall not garnish or threaten to garnish any wages or salary of the customer or the customer's spouse.

3. If a customer who receives or attempts to receive check-cashing services is a member of the military and is deployed to a combat or combat supporting position, a licensee who operates a check-cashing service shall not engage in any collection activity against the customer or the customer's spouse.

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(Added to NRS by 2005, 1690; A 2007, 935, 2847)—(Substituted in revision for part of NRS 604A.420)

NRS 604A.5092 Prohibited acts by licensee: Improper practices; deceptive trade practices; using agent, affiliate or subsidiary to avoid requirements or prohibitions of chapter. A licensee who operates a check-cashing service shall not:

1. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

2. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

3. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

4. Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.

5. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

(Added to NRS by 2005, 1691; A 2017, 1441)—(Substituted in revision for part of NRS 604A.440)

NRS 604A.5094 Limitations on fees licensee may collect for check not paid upon presentment or failure of electronic transfer of money; standards for civil liability and criminal prosecution.

1. A licensee who operates a check-cashing service may collect a fee of not more than \$25 if a check is not paid upon presentment or an electronic transfer of money fails because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of \$25 each, regardless of the number of times the check is presented for payment or the electronic transfer of money is attempted.

3. If the account of the customer has been closed, the licensee may collect only one fee of \$25, regardless of the number of times the check is presented or the electronic transfer of money is attempted for payment.

4. A customer who receives or attempts to receive check-cashing services is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

(Added to NRS by 2005, 1698; A 2007, 942)—(Substituted in revision for part of NRS 604A.490)

PAYDAY LENDER BEST PRACTICES ACT

General Provisions

NRS 604A.510 Short title. The provisions of NRS 604A.510 to 604A.598, inclusive, may be cited as the Payday Lender Best Practices Act.

(Added to NRS by 2015, 1144)

NRS 604A.515 Applicability.

1. In addition to the requirements of any other provision of this chapter, or any applicable law or regulation of this State or federal law or regulation, a licensee who has been issued one or more licenses to operate a deferred deposit loan service, high-interest loan service or title loan service pursuant to this chapter shall comply with the provisions of NRS 604A.510 to 604A.598, inclusive.

2. The provisions of NRS 604A.510 to 604A.598, inclusive, do not apply to the operation of a check-cashing service licensed pursuant to this chapter.

(Added to NRS by 2015, 1144)

Deferred Deposit Loan Services

NRS 604A.570 Required disclosures.

1. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall comply with the disclosure requirements of NRS 604A.405 and the Federal Truth in Lending Act. A loan agreement between such a licensee and a customer must fully disclose the terms of the transaction, including, without limitation, the amount of any fees charged for providing deferred deposit loan services represented in both a dollar amount and as an annual percentage rate.

2. A licensee described in subsection 1 shall prominently disclose in the loan agreement all fees charged for providing deferred deposit loan services to a customer before he or she enters into the transaction process.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.520)

NRS 604A.571 Prohibited fees. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall not charge a fee for providing deferred deposit loan services that is prohibited by an applicable law or regulation of this State or federal law or regulation.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.525)

NRS 604A.572 Prohibited advertisements. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall comply with the provisions of subsection 6 of NRS 604A.5021 prohibiting advertisements that are false, misleading or deceptive with regard to the rates, terms or conditions for deferred deposit loans.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.530)

NRS 604A.573 Required notices. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall place the following notices on marketing materials and television, print, radio and Internet advertising when space or time reasonably permits:

1. Deferred deposit loans should be used for short-term financial needs only and not as a long-term financial solution; and

2. Customers with credit difficulties should seek credit counseling before entering into any deferred deposit loan transaction.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.535)

NRS 604A.574 Limitations on extended term of loans. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall not allow a customer to extend, rollover, renew, refinance or consolidate any deferred deposit loan for a period longer than the period set forth in subsection 2 of NRS 604A.501.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.540)

NRS 604A.575 Rescission of loan by customer. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall provide each customer with the ability to rescind any deferred deposit loan in accordance with the provisions of NRS 604A.5023.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.545)

NRS 604A.576 Collection of past due accounts; prohibited acts. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter must collect past due accounts in a professional, fair and lawful manner in accordance with the provisions of NRS 604A.5021 and applicable provisions of the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., as amended. Such a licensee shall not use unlawful threats, intimidation or harassment to collect unpaid accounts.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.550)

NRS 604A.577 Reporting violations of chapter. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall report to the Commissioner any person the licensee knows, or reasonably should know, is in violation of the provisions of this chapter within 30 days after the date the licensee knows, or reasonably should know, of the violation.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.555)

NRS 604A.578 Certain licensees required to offer repayment plan. A licensee who has been issued a license to operate a deferred deposit loan service pursuant to this chapter shall provide to any customer who is unable to repay a deferred deposit loan in accordance with the loan agreement between the licensee and the customer the opportunity to enter into a repayment plan pursuant to NRS 604A.5027. Such a licensee shall disclose the availability of such a repayment plan to any customer who is unable to repay a deferred deposit loan.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.560)

NRS 604A.579 Licensee offering services through Internet website required to comply with applicable laws. A licensee that offers deferred deposit loan services through an Internet website must be licensed in each state, as applicable, where any of its customers reside and shall comply with any state or federal law or regulation applicable to such jurisdiction.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.565)

High-Interest Loan Services

NRS 604A.580 Required disclosures.

1. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall comply with the disclosure requirements of NRS 604A.405 and the Federal Truth in Lending Act. A loan agreement between such a licensee and a customer must fully disclose the terms of the transaction, including, without limitation, the amount of any fees charged for providing high-interest loan services represented in both a dollar amount and as an annual percentage rate.

2. A licensee described in subsection 1 shall prominently disclose in the loan agreement all fees charged for providing high-interest loan services to a customer before he or she enters into the transaction process.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.520)

NRS 604A.581 Prohibited fees. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall not charge a fee for providing high-interest loan services that is prohibited by an applicable law or regulation of this State or federal law or regulation.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.525)

NRS 604A.582 Prohibited advertisements. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall comply with the provisions of subsection 6 of NRS 604A.5049 prohibiting advertisements that are false, misleading or deceptive with regard to the rates, terms or conditions for high-interest loans.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.530)

NRS 604A.583 Required notices. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall place the following notices on marketing materials and television, print, radio and Internet advertising when space or time reasonably permits:

1. High-interest loans should be used for short-term financial needs only and not as a long-term financial solution; and
2. Customers with credit difficulties should seek credit counseling before entering into any high-interest loan transaction.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.535)

NRS 604A.584 Limitations on extended term of loans. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall not allow a customer to extend, rollover, renew, refinance or consolidate any high-interest loan for a period longer than the period set forth in subsection 3 of NRS 604A.5037.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.540)

NRS 604A.585 Rescission of loan by customer. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall provide each customer with the ability to rescind any high-interest loan in accordance with the provisions of NRS 604A.505.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.545)

NRS 604A.586 Collection of past due accounts; prohibited acts. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter must collect past due accounts in a professional, fair and lawful manner in accordance with the provisions of NRS 604A.5049 and applicable provisions of the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., as amended. Such a licensee shall not use unlawful threats, intimidation or harassment to collect unpaid accounts.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.550)

NRS 604A.587 Reporting violations of chapter. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall report to the Commissioner any person the licensee knows, or reasonably should know, is in violation of the provisions of this chapter within 30 days after the date the licensee knows, or reasonably should know, of the violation.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.555)

NRS 604A.588 Certain licensees required to offer repayment plan. A licensee who has been issued a license to operate a high-interest loan service pursuant to this chapter shall provide to any customer who is unable to repay a high-interest loan in accordance with the loan agreement between the licensee and the customer the opportunity to enter into a repayment plan pursuant to NRS 604A.5055. Such a licensee shall disclose the availability of such a repayment plan to any customer who is unable to repay a high-interest loan.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.560)

NRS 604A.589 Licensee offering services through Internet website required to comply with applicable laws. A licensee that offers high-interest loan services through an Internet website must be licensed in each state, as applicable, where any of its customers reside and shall comply with any state or federal law or regulation applicable to such jurisdiction.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.565)

Title Loan Services

NRS 604A.590 Required disclosures.

1. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall comply with the disclosure requirements of NRS 604A.405 and the Federal Truth in Lending Act. A loan agreement between such a licensee and a customer must fully disclose the terms of the transaction, including, without limitation, the amount of any fees charged for providing title loan services represented in both a dollar amount and as an annual percentage rate.

2. A licensee described in subsection 1 shall prominently disclose in the loan agreement all fees charged for providing title loan services to a customer before he or she enters into the transaction process.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.520)

NRS 604A.591 Prohibited fees. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall not charge a fee for providing title loan services that is prohibited by an applicable law or regulation of this State or federal law or regulation.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.525)

NRS 604A.592 Prohibited advertisements. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall comply with the provisions of subsection 6 of NRS 604A.5072 prohibiting advertisements that are false, misleading or deceptive with regard to the rates, terms or conditions for title loans.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.530)

NRS 604A.593 Required notices. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall place the following notices on marketing materials and television, print, radio and Internet advertising when space or time reasonably permits:

1. Title loans should be used for short-term financial needs only and not as a long-term financial solution; and

2. Customers with credit difficulties should seek credit counseling before entering into any title loan transaction.

(Added to NRS by 2015, 1144)—(Substituted in revision for part of NRS 604A.535)

NRS 604A.594 Rescission of loan by customer. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall provide each customer with the ability to rescind any title loan in accordance with the provisions of NRS 604A.5079.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.545)

NRS 604A.595 Collection of past due accounts; prohibited acts. A licensee who has been issued a license to operate a title loan service pursuant to this chapter must collect past due accounts in a professional, fair and lawful manner in accordance with the provisions of NRS 604A.5072 and applicable provisions of the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., as amended. Such a licensee shall not use unlawful threats, intimidation or harassment to collect unpaid accounts.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.550)

NRS 604A.596 Reporting violations of chapter. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall report to the Commissioner any person the licensee knows, or reasonably should know, is in violation of the provisions of this chapter within 30 days after the date the licensee knows, or reasonably should know, of the violation.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.555)

NRS 604A.597 Certain licensees required to offer repayment plan. A licensee who has been issued a license to operate a title loan service pursuant to this chapter shall provide to any customer who is unable to repay a title loan in accordance with the loan agreement between the licensee and the customer the opportunity to enter into a repayment plan pursuant to NRS 604A.5083. Such a licensee shall disclose the availability of such a repayment plan to any customer who is unable to repay a title loan.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.560)

NRS 604A.598 Licensee offering services through Internet website required to comply with applicable laws. A licensee that offers title loan services through an Internet website must be licensed in each state, as applicable, where any of its customers reside and shall comply with any state or federal law or regulation applicable to such jurisdiction.

(Added to NRS by 2015, 1145)—(Substituted in revision for part of NRS 604A.565)

CONSUMER CREDIT TO COVERED SERVICE MEMBERS

NRS 604A.5983 Prohibited annual percentage rates. A licensee who makes a loan that constitutes consumer credit to a covered service member or his or her dependent shall not charge the covered service member or dependent an annual percentage rate with respect to the loan except as:

1. Agreed to under the terms of the written loan agreement entered into pursuant to NRS 604A.5012, 604A.504 or 604A.5067, as applicable;
2. Authorized by applicable state and federal law; and
3. Not specifically prohibited by NRS 99.050, 604A.5985 and 604A.5987.

(Added to NRS by 2019, 941)

NRS 604A.5985 Required disclosures.

1. Before making a loan that constitutes consumer credit to a covered service member or a dependent of a covered service member, a licensee shall provide the following information to the covered service member or the dependent of a covered service member, as applicable, both orally and in writing:

- (a) A statement of the annual percentage rate of interest applicable to the loan;
- (b) Any disclosures required by the provisions of the Truth in Lending Act and any regulations adopted pursuant thereto; and

(c) A clear description of the payment obligations of the covered service member or dependent, as applicable.

2. A licensee shall present the disclosures required by subsection 1 in accordance with the provisions of Regulation Z.

(Added to NRS by 2019, 941)

NRS 604A.5987 Prohibited terms of consumer credit to covered service member.

A licensee shall not make a loan that constitutes consumer credit to a covered service member or a dependent of a covered service member with respect to which:

1. The licensee extends, rolls over, renews, repays, refinances or consolidates any consumer credit extended to the customer by the same licensee with the proceeds of the other consumer credit extended to the same covered service member or dependent;

2. The customer is required to waive the customer's right to legal recourse under any otherwise applicable provision of state or federal law, including, without limitation, any provision of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.;

3. The licensee imposes onerous legal notice provisions in the case of a dispute or demands unreasonable notice from the customer as a condition for legal action;

4. The licensee uses a check or other method of access to a deposit, savings or other financial account maintained by the customer, or the title of a vehicle as security for the obligation;

5. The licensee requires as a condition for the extension of consumer credit that the customer establish an allotment to repay an obligation; or

6. The customer is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.

(Added to NRS by 2019, 942)

LICENSING

NRS 604A.600 Application for license.

1. An application for a license pursuant to the provisions of this chapter must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

↳ of the business entity.

(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity.

(d) The address of each location at which the applicant proposes to do business under the license, including, without limitation, each location where the applicant will operate at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication

device or through any other machine, network, system, device or means, except that the applicant shall not propose to do business through any automated loan machine prohibited by NRS 604A.400.

(e) If the applicant is or intends to be licensed to provide more than one type of service pursuant to the provisions of this chapter, a statement of that intent and which services the applicant provides or intends to provide.

2. Each application for a license must be accompanied by:

(a) A nonrefundable application fee;

(b) Such additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than \$100 or more than \$500, prorated on the basis of the licensing year.

↪ All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

3. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

4. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

(Added to NRS by 2005, 1699)

NRS 604A.605 Additional materials to be submitted with application; grounds for denial of license.

1. In addition to any other requirements set forth in this chapter, each applicant must submit proof satisfactory to the Commissioner that the applicant:

(a) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(b) Has not made a false statement of material fact on the application for the license.

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

(d) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

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

(f) If the applicant is a natural person:

(1) Is at least 21 years of age; and

(2) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act which, if committed or done by a holder of a license, 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.

(Added to NRS by 2005, 1702; A 2005, 22nd Special Session, 99; 2021, 2049)

NRS 604A.610 Surety bond.

1. Except as otherwise provided in NRS 604A.615, each application for a license pursuant to the provisions of this chapter must be accompanied by a surety bond payable to the State of Nevada in the amount of \$50,000 plus an additional \$5,000 for each branch location at which the applicant proposes to do business under the license. Thereafter, each licensee shall maintain the surety bond so that the amount of the surety bond is \$50,000 plus an additional \$5,000 for each branch location at which the licensee does business under the license. The surety bond required by this section is for the use and benefit of any customer receiving the services of the licensee at any location at which the licensee does business under the license.

2. Each 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 the 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 business regulated by this chapter give notice thereof to the Commissioner by 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 any 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 his or her business; or

(b) The termination of the bond,

↪ whichever event occurs first.

7. A licensee or his or her surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

(Added to NRS by 2005, 1700; A 2005, 22nd Special Session, 97)

NRS 604A.615 Deposit of securities in lieu of surety bond.

1. In lieu of any surety bond, or any portion of the principal sum thereof as required pursuant to the provisions of this chapter, a licensee may deposit with the State Treasurer or with any bank, credit union or trust company authorized to do business in this State as the licensee may select, with the approval of the Commissioner:

- (a) Interest-bearing stocks;
 - (b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or
 - (c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State or guaranteed by this State,
 - ↳ in an aggregate amount, based upon principal amount or market value, whichever is lower, of not less than the amount of any required surety bond or portion thereof.
2. The securities must be held to secure the same obligation as would any surety bond, but the depositor may receive any interest or dividends and, with the approval of the Commissioner, substitute other suitable securities for those deposited.
- (Added to NRS by 2005, 1700; A 2005, 22nd Special Session, 98)

NRS 604A.620 Application for license for office or other place of business located outside State.

1. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↳ The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.

2. This section applies, without limitation, to any office or other place of business located outside this State from which the applicant will conduct business in this State at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except that the applicant shall not conduct business in this State through any automated loan machine prohibited by NRS 604A.400.

(Added to NRS by 2005, 1701)

NRS 604A.625 Investigation of applicant; notice; hearing; order.

1. Upon the filing of the application and the payment of the fees required pursuant to NRS 604A.600, the Commissioner shall investigate the facts concerning the application and the requirements provided for in NRS 604A.605 and 604A.635.

2. The Commissioner may hold a hearing on the application at a time not less than 30 days after the date the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as the Commissioner may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other persons as the Commissioner may see fit, at least 10 days before the date set for the hearing.

3. The Commissioner shall make his or her order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.

(Added to NRS by 2005, 1701)

NRS 604A.630 Procedure upon denial of license. If the Commissioner finds that any applicant does not possess the requirements specified in this chapter, he or she shall:

1. Enter an order denying the application and notify the applicant of the denial.
2. Within 10 days after the entry of such an order, file his or her findings and a summary of the evidence supporting those findings and deliver a copy thereof to the applicant.

(Added to NRS by 2005, 1702)

NRS 604A.635 Issuance of license; display of license; issuance of additional licenses for branch locations; contents of license; license not transferable or assignable.

1. The Commissioner shall enter an order granting an application if he or she finds that:
 - (a) The financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently; and
 - (b) The applicant has satisfied the requirements set forth in NRS 604A.605.

2. If the Commissioner grants an application, the Commissioner shall:

- (a) File his or her findings of fact together with the transcript of any hearing held pursuant to the provisions of this chapter; and

- (b) Issue to the licensee a license in such form and size as is prescribed by the Commissioner for each location at which the licensee proposes to do business.

3. Each licensee shall prominently display his or her license at the location where he or she does business. The Commissioner may issue additional licenses to the same licensee for each branch location at which the licensee is authorized to operate under the license, including, without limitation, each branch location where the licensee is authorized to operate at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except that the Commissioner shall not issue any license that would authorize the licensee to operate through any automated loan machine prohibited by NRS 604A.400. Nothing in this subsection requires a license for any place of business devoted to accounting, recordkeeping or administrative purposes only.

4. Each license must:

- (a) State the address at which the business is to be conducted; and

- (b) State fully:

- (1) The name and address of the licensee;

- (2) If the licensee is a copartnership or association, the names of its members; and

- (3) If the licensee is a corporation, the date and place of its incorporation.

5. A license is not transferable or assignable.

(Added to NRS by 2005, 1702)

NRS 604A.640 Expiration, renewal and reinstatement of license; fees.

1. A license issued pursuant to the provisions of this chapter expires annually on December 31, unless it is renewed. To renew a license, a licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year:

- (a) An application for renewal;

- (b) A renewal fee of not more than \$500; and

- (c) An additional fee of not more than \$100 for each branch location at which the licensee is authorized to operate under the license.

2. If a licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, the license is cancelled as of December 31 of that year and the licensee is not licensed pursuant to the

provisions of this chapter. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

- (a) An application for renewal;
- (b) The fees required pursuant to subsection 1; and
- (c) A fee for reinstatement.

3. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

(Added to NRS by 2005, 1703; A 2005, 22nd Special Session, 100; 2021, 2049)

NRS 604A.645 Change of control of licensee: Notice; application to Commissioner.

1. A licensee shall immediately notify the Commissioner of any change of control of the licensee.

2. A person who acquires stock, partnership or member interests resulting in a change of control of the licensee shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements for obtaining a license pursuant to the provisions of this chapter will be satisfied after the change of control. If the Commissioner determines that those requirements will not be satisfied, he or she may deny the application and forbid the applicant from participating in the business of the licensee.

3. As used in this section, "change of control" means:

(a) A transfer of voting stock, partnership or member interests which results in giving a person, directly or indirectly, the power to direct the management and policy of a licensee; or

(b) A transfer of at least 25 percent of the outstanding voting stock, partnership or member interests of the licensee.

(Added to NRS by 2005, 1703)

NRS 604A.650 Licensee must conduct business in accordance with license; approval of business name; prohibition against using misleading or confusing business name or printed forms.

1. A licensee shall not conduct the business of making loans under any name, at any place or by any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except as permitted in the license or branch license issued to the licensee.

2. A licensee must obtain the approval of the Commissioner before using or changing a business name.

3. A licensee shall not:

(a) Use any business name which is identical or similar to a business name used by another licensee under this chapter or which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

(Added to NRS by 2005, 1703)

NRS 604A.655 Restrictions on location where licensee may conduct business; requirements to conduct business at same location as mortgage company or pawnbroker.

1. Except as otherwise provided in this section, a licensee may not conduct the business of making loans within any office, suite, room or place of business in which any other lending business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans in the same office or place of business as a mortgage company if:

- (a) The licensee and the mortgage company:
 - (1) Maintain separate accounts, books and records;
 - (2) Are subsidiaries of the same parent corporation; and
 - (3) Maintain separate licenses; and

(b) The mortgage company is licensed by this State pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. If a pawnbroker is licensed to operate a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service, the pawnbroker may operate that service at the same office or place of business from which he or she conducts business as a pawnbroker pursuant to chapter 646 of NRS.

(Added to NRS by 2005, 1704; A 2007, 942; 2017, 3101)

NRS 604A.660 Change of address by licensee: Notice; approval by Commissioner; penalty for failure to provide required notice.

1. A licensee who wishes to change the address of an office or other place of business for which he or she has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.

2. Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.

3. If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed \$500.

4. This section applies, without limitation, to any office or other place of business at which the licensee intends to operate a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except that the licensee shall not operate any automated loan machine prohibited by NRS 604A.400.

(Added to NRS by 2005, 1704)

NATIONWIDE MULTISTATE LICENSING SYSTEM AND REGISTRY

NRS 604A.665 Commissioner authorized to take action to participate in Registry; charges for use; regulations; provisions do not affect authority of Commissioner regarding licensing.

1. The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:

- (a) Facilitating and participating in the establishment and implementation of the Registry;
- (b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;
- (c) Authorizing the Registry to collect and maintain records of applicants for and holders of licenses;
- (d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;
- (e) Requiring an applicant for a license or a licensee to use the Registry to:
 - (1) Apply for the issuance or renewal of a license;
 - (2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

(Added to NRS by 2021, 2046)

NRS 604A.670 Submission and processing of fingerprints.

1. The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.

(Added to NRS by 2021, 2047)

NRS 604A.675 Commissioner to report information to Registry; confidentiality of information provided; Commissioner authorized to enter into certain agreements and arrangements.

1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for a license or licensees, enforcement actions and other relevant information to the Registry.

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

(Added to NRS by 2021, 2047)

NRS 604A.680 Additional materials to be submitted to Registry.

1. In addition to any other requirements set forth by specific statute, each applicant for the issuance of a license and each owner, officer, director and responsible person of the applicant, each person in control of the applicant and any other person the Commissioner may

require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:

(a) 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 and international background check on the criminal history of the person;

(b) Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and

(2) Additional independent credit reports and credit scores to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;

(c) Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

(d) Any other information concerning the person that the Registry or Commissioner may require.

2. As used in this section:

(a) "Control" has the meaning ascribed to it in NRS 682A.047.

(b) "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.

(Added to NRS by 2021, 2048)

NRS 604A.685 Licensee required to register and maintain unique identifier; Commissioner authorized to issue license through Registry; references to Commissioner deemed references to Registry.

1. Each licensee shall register with and maintain a valid unique identifier with the Registry.

2. The Commissioner may issue a license through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols established by the Registry.

(Added to NRS by 2021, 2048)

RECORDS, REPORTS AND EXAMINATIONS

NRS 604A.700 Required books and records.

1. Each licensee shall keep and use in his or her business such books and accounting records as are in accord with generally accepted accounting practices.

2. Each licensee shall maintain a separate written or electronic record or ledger card for the account of each customer and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.

3. Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.

4. Each licensee who operates outside this State an office or other place of business that is licensed pursuant to provisions of this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↪ The licensee must be allowed to choose between the provisions of paragraph (a) or (b) in complying with this subsection.

5. As used in this section, “amount of cash advance” means the amount of cash or its equivalent actually received by a customer or paid out at the customer’s direction or in his or her behalf.

(Added to NRS by 2005, 1705)

NRS 604A.710 Investigation of businesses; examination of books and records by Commissioner.

1. For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise;

(c) Any registered agent who represents a licensee or any other person engaged in the business of making loans; and

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

2. For the purpose of examination, the Commissioner or his or her authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. The investigation of a registered agent pursuant to subsection 1, including, without limitation, any books, accounts, papers and records used therein, must be kept confidential except to the extent necessary to enforce any provision of this chapter.

4. For the purposes of this section, any person who advertises for, solicits or holds himself or herself out as willing to make any deferred deposit loan, high-interest loan or title loan is presumed to be engaged in the business of making loans.

5. This section does not entitle the Commissioner or his or her authorized representatives to investigate the business or examine the books, accounts, papers and records of any attorney who is not a person described in paragraph (a), (b) or (d) of subsection 1, other than examination of those books, accounts, papers and records maintained by such attorney in his or her capacity as a registered agent, and then only to the extent such books, accounts, papers and records are not subject to any privilege in NRS 49.035 to 49.115, inclusive.

(Added to NRS by 2005, 1706; A 2007, 943, 2721; 2009, 1730)

NRS 604A.720 Authority of Commissioner to require attendance of witnesses and production of books and records.

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

(a) Any check-cashing service or loan service regulated pursuant to the provisions of this chapter; or

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

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

(Added to NRS by 2005, 1706)

NRS 604A.730 Annual examinations by Commissioner; exceptions.

1. At least once each year, the Commissioner or his or her authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, accounts, papers and records of the licensee so far as they pertain to the business for which he or she is licensed pursuant to the provisions of this chapter.

2. If, after auditing one or more branch locations of the licensee, the Commissioner or his or her authorized representatives conclude that the loans, disclosures, loan practices, computer processes, filing systems and records are identical at each branch location, the Commissioner may make an examination of only those branch locations he or she deems necessary.

(Added to NRS by 2005, 1706)

NRS 604A.740 Fees for regulatory activities; penalties for failure to pay fees.

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

2. The Commissioner shall bill each licensee upon the completion of the activity for the fee required pursuant to subsection 1. The licensee shall pay the fee within 30 days after the date the bill is received. Except as otherwise provided in this subsection, any payment received after the date due 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. The failure of a licensee to pay the fee required pursuant to subsection 1 as provided in this section constitutes grounds for revocation of the license of the licensee.

(Added to NRS by 2005, 1706; A 2005, 22nd Special Session, 100; 2017, 394)

NRS 604A.750 Annual report by licensee; composite reports; Commissioner may require additional reports.

1. Annually, on or before April 15, each licensee shall file with the Commissioner and the Registry a report of operations of the licensed business for the preceding calendar year. The licensee shall make the report under oath and on a form prescribed by the Commissioner. If any person or affiliated group holds more than one license in this State, it may file a composite annual report.

2. The Commissioner may require a licensee to file more frequent reports as the Commissioner determines necessary.

(Added to NRS by 2005, 1708; A 2021, 2050)

NRS 604A.760 Fees for failure to submit reports.

1. If a licensee fails to submit any report required pursuant to this chapter or any regulation adopted pursuant thereto within the prescribed period, the Commissioner may impose and collect a fee of not more than \$10 for each day the report is overdue.

2. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this section.

(Added to NRS by 2005, 22nd Special Session, 101)

DISCIPLINARY ACTION

NRS 604A.800 Temporary suspension of license: Conditions; notice; hearing; terms of suspension. If the Commissioner finds that probable cause for revocation of any license exists and that enforcement of the provisions of this chapter requires immediate suspension of a license pending investigation, the Commissioner may, upon 5 days' written notice and a hearing, enter an order suspending a license for a period not exceeding 20 days, pending a hearing upon the revocation.

(Added to NRS by 2005, 1707)

NRS 604A.810 Order to desist and refrain; action to enjoin violation; appointment of receiver.

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

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

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon the receiver by the court.

(Added to NRS by 2005, 1707; A 2007, 2722)

NRS 604A.820 Procedure for taking disciplinary action; authorized disciplinary action; grounds.

1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

- (a) The licensee has failed to pay the annual license fee;
 - (b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;
 - (c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS;
 - (d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or
 - (e) The licensee:
 - (1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or
 - (2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.
4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.
5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.
- (Added to NRS by 2005, 1707; A 2005, 22nd Special Session, 100; 2015, 2933)

NRS 604A.830 Additional grounds for disciplinary action. In addition to any other lawful reasons, the Commissioner may suspend or revoke a license if the licensee has engaged in any act that would be grounds for denying a license pursuant to this chapter.

(Added to NRS by 2005, 1707)

NRS 604A.840 Surrender of license by licensee; effect of surrender. A licensee may surrender any license issued pursuant to the provisions of this chapter by delivering it to the Commissioner with written notice of its surrender, but a surrender does not affect the licensee's civil or criminal liability for acts committed prior thereto.

(Added to NRS by 2005, 1708)

NRS 604A.850 Preexisting contracts unaffected by revocation, suspension, expiration or surrender of license. A revocation, suspension, expiration or surrender of any license does not impair or affect the obligation of any preexisting lawful loan agreement between the licensee and any customer. Such a loan agreement and all lawful charges thereon may be collected by the licensee, its successors or assigns.

(Added to NRS by 2005, 1708)

REMEDIES AND PENALTIES

NRS 604A.900 Remedies for certain willful violations.

1. Except as otherwise provided in this section, if a licensee willfully:
 - (a) Enters into a loan agreement for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;
 - (b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or
 - (c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,
 ↪ the loan is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the loan.
2. The provisions of this section do not apply if:
 - (a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the

maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

(Added to NRS by 2005, 1708)

NRS 604A.910 Administrative fines for unlicensed activity. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$50,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.

(Added to NRS by 2005, 1709; A 2005, 22nd Special Session, 101)

NRS 604A.920 Other remedies for unlicensed activity. If a person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without obtaining a license pursuant to this chapter:

1. Any contracts entered into by that person for the cashing of a check or for a deferred deposit loan, high-interest loan or title loan are voidable by the other party to the contract; and

2. In addition to any other remedy or penalty, the other party to the contract may bring a civil action against the person pursuant to NRS 604A.930.

(Added to NRS by 2005, 22nd Special Session, 101; A 2007, 943)

NRS 604A.930 Civil action.

1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.5011 to 604A.5034, inclusive, and 604A.5038 to 604A.5094, inclusive, 604A.5983, 604A.5985, 604A.5987, 604A.610, 604A.615, 604A.650 or 604A.655 or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to \$1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.5012, 604A.504 or 604A.5067, as applicable;

(c) Violates any provision of NRS 604A.5015, 604A.5043, 604A.507 or 604A.509, as applicable;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.502, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.5021, 604A.5049 or 604A.5072, as applicable;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.5021, 604A.5049, 604A.5072 or 604A.5092, as applicable;

(g) Violates any provision of NRS 604A.503, 604A.5058 or 604A.5085, as applicable;
(h) Violates any provision of NRS 604A.5031, 604A.5061, 604A.5086 or 604A.5094, as applicable; or

(i) Violates any provision of NRS 604A.5983, 604A.5985 or 604A.5987.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

(Added to NRS by 2005, 1709; A 2007, 943, 2847; 2017, 1442; 2019, 945)

NRS 604A.940 Exercise of jurisdiction over party to civil action; service of summons to confer jurisdiction.

1. A court of this State may exercise jurisdiction over a party to a civil action arising under the provisions of this chapter on any basis not inconsistent with the Constitution of the State of Nevada or the Constitution of the United States.

2. Personal service of summons upon a party outside this State is sufficient to confer upon a court of this State jurisdiction over the party so served if the service is made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a person of like kind within this State.

3. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.

4. This section provides an additional manner of serving process and does not invalidate any other service.

(Added to NRS by 2005, 1708)