

Assembly Bill No. 475–Committee on Ways and Means

CHAPTER.....

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

Legislative Counsel’s Digest:

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

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

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

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

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

2. The fees received by the Division:

(a) From the sale of publications ~~it~~ must be retained by the Division to pay the costs of printing and distributing publications.

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

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



~~121~~ 3. Money for the support of the Division must be provided by direct legislative appropriation, and be paid out on claims as other claims against the State are paid.

~~131~~ 4. Each member of the Commission is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Commission, while engaged in the business of the Commission; and

(b) A per diem allowance and travel expenses at a rate fixed by the Commission, while engaged in the business of the Commission. The rate must not exceed the rate provided for state officers and employees generally.

~~141~~ 5. While engaged in the business of the Commission, each employee of the Commission is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Commission. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 2. NRS 645.490 is hereby amended to read as follows:

645.490 1. Upon satisfactorily passing the written examination and upon complying with all other provisions of law and conditions of this chapter, a license shall thereupon be granted by the Division to the successful applicant therefor as a real estate broker, broker-salesperson or salesperson, and the applicant, upon receiving the license, may conduct the business of a real estate broker, broker-salesperson or salesperson in this State.

2. The Division shall issue licenses as a real estate broker, broker-salesperson or salesperson to all applicants who qualify and comply with all provisions of law and all requirements of this chapter.

3. Except as otherwise provided in NRS 645.785:

(a) An original license as a real estate broker, broker-salesperson or salesperson must be renewed with the Division before the expiration of the initial license period of ~~124~~ 12 consecutive months as prescribed in NRS 645.780; and

(b) Thereafter, the license must be renewed with the Division before the expiration of each subsequent license period of ~~148~~ 24 consecutive months as prescribed in NRS 645.780.

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

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

2. The initial license period for an original license as a real estate broker, broker-salesperson or salesperson is a period of ~~124~~ 12 consecutive months beginning on the first day of the first calendar month after the original license is issued by the Division.



Thereafter, each subsequent license period is a period of ~~48~~ 24 consecutive months beginning on the first day of the first calendar month after a renewal of the license is issued by the Division for the subsequent license period.

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

(a) Provides for a different license period; or

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

4. The Division may:

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

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

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

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

For each original real estate broker's, broker-salesperson's or corporate broker's license	210 105
For each original real estate salesperson's license.....	170 85
For each original branch office license	240 120
For real estate education, research and recovery to be paid at the time an application for an original license is filed	40
For real estate education, research and recovery to be paid at the time an application for renewal of a license is filed	80 40
For each renewal of a real estate broker's, broker-salesperson's or corporate broker's license	360 180
For each renewal of a real estate salesperson's license	280 140



For each renewal of a real estate branch office license	1220 110
For each penalty for late filing of a renewal for a broker's, broker-salesperson's or corporate broker's license	180 95
For each penalty for late filing of a renewal for a salesperson's license	140 75
For each change of name or address.....	20
For each transfer of a real estate salesperson's or broker-salesperson's license and change of association or employment.....	20
For each duplicate license where the original license is lost or destroyed, and an affidavit is made thereof.....	20
For each change of broker status from broker to broker-salesperson	20
For each change of broker status from broker-salesperson to broker	40
For each reinstatement to active status of an inactive real estate broker's, broker-salesperson's or salesperson's license	20
For each reinstatement of a real estate broker's license when the licensee fails to give immediate written notice to the Division of a change of name or business location.....	30
For each reinstatement of a real estate salesperson's or broker-salesperson's license when he or she fails to notify the Division of a change of broker within 30 days of termination by previous broker.....	30
For each original registration of an owner-developer.....	125
For each annual renewal of a registration of an owner-developer.....	125
For each enlargement of the area of an owner-developer's registration.....	50
For each cooperative certificate issued to an out-of-state broker licensee for 1 year or fraction thereof.....	150
For each original accreditation of a course of continuing education	100



For each renewal of accreditation of a course of continuing education	\$50
For each annual approval of a course of instruction offered in preparation for an original license or permit.....	100

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

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

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

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

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

2. Fees received by the Division:

(a) From the sale of publications ~~§~~ must be retained by the Division to pay the costs of printing and distributing publications.

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

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

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

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



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

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

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

Sec. 7. (Deleted by amendment.)

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

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

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

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

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

116A.210 1. Except as otherwise provided in this section and within the limits of legislative appropriations **H** *and any other money available for this purpose*, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.

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

3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the



administration thereof, that may be submitted to the Attorney General by the Commission or the Division.

Sec. 10. (Deleted by amendment.)

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

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

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

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

Sec. 12. (Deleted by amendment.)

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

Sec. 14. (Deleted by amendment.)

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



