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DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

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**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
LCB File No. R185-22
AND WORKSHOP AGENDA**

The Nevada Division of Insurance (“Division”) is hosting a workshop to propose the adoption, amendment, or repeal of regulations pertaining to Nevada Administrative Code (“NAC”) chapter(s) 683A and 697.

Date: November 15, 2022
Time: 9:00 a.m.
Location: This workshop will be held virtually via Webex, which allows participation by video or telephone.*

To join by Webex, click on the URL and enter the meeting number and password when prompted.

URL: <https://doinv.webex.com/doinv/j.php?MTID=m4a182b8b34148642108dc3713dec6a9a>

Meeting Number: 2634 090 8354
Password: VJuQHcTK545

To join by telephone, call the toll-free number and enter the access code when prompted.

Phone-in Access: 1-844-621-3956 United States Toll Free
Access Code: 2634 090 8354

If you need help using Webex, visit <https://help.webex.com>.

Live public comment and written public comment will be taken as designated in the Workshop Agenda.

* There is no physical location designated for this workshop. Accordingly, any person planning to participate must participate by using the Webex link for video access or by calling the phone-in access for telephone access. Meeting materials are available on the Division’s website at: <https://doi.nv.gov/News-Notices/Regulations/>.

The purpose of the workshop is to solicit comments from interested persons on the general topic(s) that may be addressed in the proposed regulation; and to assist in determining whether the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restricts the formation, operation, or expansion of a small business.

WORKSHOP AGENDA

1. Open Workshop: R185-22.
2. Presentation of Proposed Regulation.

[LCB File No. R185-22 BUSINESS OF BAIL](#)

A REGULATION relating to bail; prohibiting certain acts by a person who does not hold an appropriate license; establishing certain requirements for the completion of certain courses of instruction and training by certain applicants for licensure; setting forth certain requirements regarding courses of instruction, training and continuing education courses; revising provisions governing the duties of and restrictions on licensees; revising provisions governing partnerships of licensees who engage in business in the bail industry; revising provisions governing sureties; requiring licensees to maintain certain records and forms; revising provisions governing the content, terms and modification of bail agreements; revising provisions governing collateral which secures an obligation; revising provisions which prohibit the early surrender of a defendant without good cause; eliminating requirements for certain annual reporting by licensees; and providing other matters properly relating thereto. A copy of the proposed regulation prepared by the Legislative Counsel is available by clicking on the following link: <https://www.leg.state.nv.us/Register/2022Register/R185-22P.pdf>

3. Public Comment.

The meeting presenter will indicate when live public comment will be taken. Public comment may be limited to three minutes per speaker.

4. Close Workshop: R185-22.

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; items may be pulled or removed from the agenda at any time; and discussion relating to an item may be delayed or continued at any time. The meeting presenter, within his/her discretion, may allow for public comment on individual agenda items.


A copy of all materials relating to the proposal may be obtained by visiting the Division's internet website at <https://doi.nv.gov/News-Notices/Regulations/> or by contacting the Division (regs@doi.nv.gov or 775-687-0700). Members of the public who would like additional information about a proposed regulation may contact the Division by email to regs@doi.nv.gov. Members of the public are encouraged to submit written comments for the record no later than **November 4, 2022**. Written comments may be emailed to regs@doi.nv.gov or mailed to 1818 E. College Parkway, Suite 103, Carson City, NV 89706.

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify the Division of your request for reasonable accommodation in writing no later than five (5) working days before the workshop via email to regs@doi.nv.gov.

Notice of the workshop has been provided as follows:

By email to all persons on the Division's e-mail list for noticing of administrative regulations.
By email for posting by the Nevada State Library, Archives and Public Records Administrator.
By email for posting by the Nevada Legislature.
Published to the Nevada Legislature website: <https://leg.state.nv.us/>.
Published to the Division of Insurance website: <https://doi.nv.gov/>.
Published to the State of Nevada Public Notice website: <https://notice.nv.gov/>.

DATED this 27th day of October 2022.



BARBARA D. RICHARDSON
Commissioner of Insurance

**STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY
DIVISION OF INSURANCE**

**Determination of Small Business Impact
NRS 233B.0608(1)**

BUSINESS OF BAIL

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. BACKGROUND.

The proposed changes to NAC chapter 697 are necessary to add, amend, or remove regulations to make bail regulations consistent with the Nevada Revised Statutes. Most of the bail regulations were promulgated in 1978, so many of the regulations no longer correspond to existing law. The purpose of the proposed regulations is to make the regulation of bail easier to understand for both bail licensees and consumers, to conform to the Nevada Revised Statutes, and to make the business of bail more transparent for all involved.

2. METHODS USED TO DETERMINE IMPACT OF PROPOSED REGULATION ON SMALL BUSINESS. NRS 233B.0608(1).

The Division has undergone significant review and analysis of bail laws, studied the business of bail, and talked to bail associations, other states, and current and former bail licensees since 2016. The issues were thoroughly discussed with bail industry representatives and bail licensees in meetings held between Dec. 2016 and May 2017, and their concerns and feedback on the issues were taken into consideration. Around June 2018, the Division published bail web content. In July 2018, the Division met with bail licensees and others to discuss issues in the bail industry, wherein the Division announced to the licensees and others present that the Division had initiated the rulemaking process under R183-18, and parties were invited to sign up to participate in the process. On December 7, 2018, the Division held a workshop on the proposed regulations and no small businesses participated. To date, no small businesses have submitted comments regarding the proposed language.

3. DOES THE PROPOSED REGULATION IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A SMALL BUSINESS? NRS 233B.0608(1).

NO YES

4. HOW WAS THAT CONCLUSION REACHED? NRS 233B.0608(3).

The Division has undergone significant review and analysis of bail laws, studied the business of bail and examination results, and talked to bail associations, other states, and current and former bail licensees. The Division determined that small businesses in general are not involved in or affected by bail

transactions unless the business is a bail agency—bail agencies tend to be small businesses. These proposed regulations should help bail agencies better understand Nevada bail laws and eliminate confusing or contradictory language between the statutes and the old regulations, which should make bail operations more efficient and transparent, making compliance much easier for them and potentially resulting in cost savings. The proposed regulations will not affect the formation or expansion of bail agencies that are small businesses.

I, BARBARA D. RICHARDSON, Commissioner of Insurance for the State of Nevada, hereby certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement is accurate. (NRS 233B.0608(3))

10/27/2022
(DATE)


BARBARA D. RICHARDSON
Commissioner of Insurance

Small Business Impact Statement
NRS 233B.0608(2)-(4) and 233B.0609

BUSINESS OF BAIL

1. NRS 233B.0609(1)(a).

a. DESCRIPTION OF MANNER OF SOLICITATIONS.

Meetings with bail industry and discussions with individual bail licensees. Public presentations to bail licensees and other interested parties announcing R183-18. Workshop with proposed language drafted.

b. SUMMARY OF COMMENTS RECEIVED FROM SMALL BUSINESSES.

None.

c. HOW TO OBTAIN COPY OF THE SUMMARY.

To obtain a copy of the summary of comments received from small businesses, contacting the Division at (775) 687-0701 or regs@doi.nv.gov.

2. HOW WAS THE ANALYSIS CONDUCTED? NRS 233B.0609(1)(b).

The Division established a team consisting of different Division sections and the team engaged in significant review and analysis of bail laws, studied the business of bail and examination results, and talked to bail associations, other states, and current and former bail licensees. The team determined that small businesses in general are not involved in or affected by bail transactions unless the business is a bail agency—bail agencies tend to be small businesses. The Division evaluated each proposed regulation addition, amendment, and deletion to determine how each change would affect the bail agencies.

3. ESTIMATED ECONOMIC EFFECT ON SMALL BUSINESSES THE REGULATION IS TO REGULATE. NRS 233B.0609(1)(c).

To the extent that bail agencies would be affected by the proposed regulations, the Division believes that the proposed regulations will have the beneficial and direct effects of making the laws regulating the business of bail easier to understand, which should make the operation of a bail business easier, transparent, and more efficient, resulting in cost savings. No adverse effects are anticipated. The indirect effect of the proposed regulations is that bail agencies' reputation will improve, and bail agencies will not be undermined by unfair behavior of competitors.

4. METHODS CONSIDERED TO REDUCE IMPACT ON SMALL BUSINESSES. NRS 233B.0609(1)(d).

Because there is no direct or significant impact expected from the adoption of this proposed regulation, the Division focused on making the regulations as simple as possible to avoid confusion, but provided detail when necessary to make some provisions easier to understand. Small businesses in general are not involved in bail transactions unless the business is a bail agency. The Division has undergone considerable review and analysis of bail and put forth what it believes to be the most conservative additions, amendments, and deletions of language. The proposed regulation is not expected to negatively impact

small businesses that currently comply with the law—the intent is to help bail agencies understand bail by updating the regulations to comport with Nevada statutes. Again, the proposed regulations will make the laws regulating the business of bail easier to understand, which should have the effect of making the operation of a bail business easier and more efficient, resulting in cost savings.

The Division revised the regulation several times to make the regulations as simple as possible. The Division avoided adding fines or other penalties so that the focus of the regulation would be on compliance with Nevada statutes.

5. ESTIMATED COST OF ENFORCEMENT. NRS 233B.0609(1)(e).

None anticipated.

6. FEE CHANGES. NRS 233B.0609(1)(f).

The proposed regulation will not establish or increase a fee.

7. DUPLICATIVE PROVISIONS. NRS 233B.0609(1)(g).

The proposed regulation does not duplicate any existing federal, state, or local standards.

8. REASONS FOR CONCLUSIONS. NRS 233B.0609(1)(h).

The Division has undergone considerable review and analysis of bail laws, as well as industry outreach. The proposed regulation is neither expected nor intended to negatively impact small businesses that currently comply with the law—the intent is to help bail agencies come into compliance with Nevada law by updating the regulations to comport with Nevada statutes.

I, BARBARA D. RICHARDSON, Commissioner of Insurance for the State of Nevada, hereby certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was prepared properly and the information contained herein is accurate. (NRS 233B.0609(2))

10/27/2022
(DATE)



BARBARA D. RICHARDSON
Commissioner of Insurance