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February 27, 2018

Sue Bell, *Legal Secretary*  
State of Nevada Division of Insurance  
1818 East College Parkway, Suite 103  
Carson City, Nevada 89706



Re: LCB File No. R093-17

Dear Ms. Bell:

Regulation, R093-17, adopted by the Board of Commissioner of Insurance has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675, as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

A handwritten signature in blue ink, appearing to read "Allan L. Amburn".

Allan L. Amburn  
Deputy Legislative Counsel

R. Rene Yeckley  
Senate Legal Counsel and Bill Drafting Advisor

Brenda J. Erdoes  
Legislative Counsel

ALA/slj  
Enclosure

SECRETARY OF STATE  
FILING DATA

FILED.NV.SOS  
2018 FEB 27 PM2:30

*AC*

**Form For Filing  
Administrative Regulations**

Agency

Dept. of Business and Industry

Division of Insurance

R093-17

FOR EMERGENCY  
REGULATIONS ONLY

Effective date \_\_\_\_\_

Expiration date \_\_\_\_\_

\_\_\_\_\_  
Governor's signature

Classification:     PROPOSED         ADOPTED BY AGENCY         EMERGENCY

Brief description of action Regulation concerning Service Contract Filings (SERFF)

Authority citation other than 233B NRS 679B.130, 679B.136 and 690C.300

Notice date 11/29/17

Date of Adoption by Agency 1/8/18

Hearing date 1/3/18

**APPROVED REGULATION OF THE  
COMMISSIONER OF INSURANCE**

**LCB File No. R093-17**

**Effective February 27, 2018**

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

AUTHORITY: §1, NRS 679B.130, 679B.136 and 690C.300.

A REGULATION relating to service contracts; requiring a provider of a service contract to file a service contract with the Commissioner of Insurance and pay certain fees by using certain electronic means; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Commissioner of Insurance to adopt reasonable regulations for the administration of the Nevada Insurance Code or as required to ensure compliance by the Commissioner with any federal law or regulation relating to insurance. (NRS 679B.130) Existing law additionally authorizes the Commissioner to adopt such regulations as are necessary to carry out the provisions governing service contracts. (NRS 690C.300) Existing law further requires the Commissioner to adopt regulations governing the electronic filing of forms and payment of fees with the Division of Insurance of the Department of Business and Industry. (NRS 679B.136)

Existing regulations prohibit a provider from issuing, selling or offering for sale a service contract unless the service contract has been approved by the Commissioner. (NAC 690C.100) Under existing regulations, a provider is a person who is obligated to a certain other person by the terms of a service contract to repair, replace or perform maintenance on, or to indemnify the person for the costs of repairing, replacing or performing maintenance on, goods. (NAC 690C.030) This regulation provides an additional condition that must be met before a provider may issue, sell or offer for sale a service contract in this State. Specifically, in addition to the condition that the service contract must have been approved by the Commissioner, the service contract also must have been filed with the Commissioner through the System for Electronic Rate and Form Filing that has been developed and implemented by the National Association of Insurance Commissioners.

Existing regulations require a provider who files a service contract with the Commissioner for approval to also file with the service contract: (1) all documents that are part of the application for the service contract; (2) all documents that are part of the service contract;

(3) a form for assessing fees; and (4) the appropriate fee amount, as determined by the Commissioner. (NAC 690C.100) This regulation removes the requirement to file with the service contract a form for assessing fees.

Existing law requires a provider to pay a fee of \$25 for each type of service contract the provider files with the Commissioner. (NRS 690C.160) This regulation requires the provider to pay the fee of \$25 and certain other fees by using the Electronic Funds Transfer function within the System for Electronic Rate and Form Filing.

**Section 1.** NAC 690C.100 is hereby amended to read as follows:

690C.100 1. A provider shall not issue, sell or offer for sale a service contract *in this State* unless ~~it~~ *the service contract* has been ~~approved~~ :

(a) *Filed with the Commissioner in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners or its successor organization; and*

(b) *Approved* by the Commissioner.

2. A provider who ~~submits~~ *files* a service contract ~~to~~ *with* the Commissioner for approval *pursuant to subsection 1* must ~~submit~~ *also file* with the *service* contract:

(a) All documents that are part of the application for the service contract;

(b) All documents that are part of the *service* contract; *and*

(c) ~~A form for assessing fees as described in NAC 680B.010; and~~

~~(d)~~ The appropriate fee described in subsection 3.

3. The ~~Commissioner will charge the~~ *provider must pay the* following fees ~~it~~ *by using the Electronic Funds Transfer function within the System for Electronic Rate and Form Filing:*

(a) Twenty-five dollars for:

(1) The initial filing of all the forms that comprise a new service contract.

(2) The filing of a service contract that modifies a service contract which has been approved by the Commissioner pursuant to this section.

(b) Ten dollars for the filing of a rider or endorsement to a service contract that has been approved by the Commissioner pursuant to this section.

4. The Commissioner may approve or disapprove a service contract ~~submitted~~ filed pursuant to this section within 60 days after the date on which the Commissioner determines that the provider has fully complied with the requirements of subsection 2. If the Commissioner does not approve or disapprove the *service* contract within the 60 days described in this subsection, the *service* contract shall be deemed to be approved by the Commissioner. Each service contract shall be deemed to be complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the service contract is filed with him or her, determines that the proposal is incomplete because the proposal does not comply with subsection 2.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
INFORMATIONAL STATEMENT AS REQUIRED BY NRS 233B.066**

LCB FILE NO. R093-17

The following statement is submitted by the State of Nevada, Department of Business and Industry, Division of Insurance (“Division”) for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 690C.

1. A clear and concise explanation of the need for the adopted regulation.

*This regulation is necessary to modernize the filing method for service contract forms. It amends NAC 690C.100 to require service contract providers to use the System for Electronic Rate and Form Filing (“SERFF”) developed by the National Association of Insurance Commissioners and to pay the filing fee using the Electronic Funds Transfer (“EFT”) function within that application. Reviewing filings electronically is more efficient and economical. It reduces filing turnaround time and storage costs and comports with best business practices for speed-to-market for Nevada products.*

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

- (a) A description of how public comment was solicited:

*Public comment was solicited by e-mailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons on the Division’s mailing list requesting notification of proposed regulations. The documents were also made available on the website of the Division, <http://doi.nv.gov/>, mailed to the main library for each county in Nevada, and posted at the following locations:*

Department of Business and Industry  
Division of Insurance  
1818 East College Parkway, Suite 103  
Carson City, Nevada 89706

Department of Business and Industry  
Division of Insurance  
3300 West Sahara Avenue, Suite 275  
Las Vegas, Nevada 89102

Legislative Building  
401 South Carson Street  
Carson City, Nevada 89701

Grant Sawyer Building  
555 East Washington Avenue  
Las Vegas, Nevada 89101

Blasdel Building  
209 East Musser Street  
Carson City, Nevada 89701

Capitol Building  
101 North Carson Street  
Carson City, Nevada 89701

Nevada Department of Employment,  
Training and Rehabilitation  
2800 E. Saint Louis Avenue  
Las Vegas, Nevada 89104

Nevada State Business Center  
3300 West Sahara Avenue  
Las Vegas, Nevada 89102

*Public comment was also solicited at the workshop held on November 28, 2017 and at the hearing held on January 3, 2018. The public meetings took place at the offices of the Division, 1818 East College Parkway, Carson City, Nevada 89706, with simultaneous videoconferencing to the Las Vegas office of the Division, 3300 West Sahara Avenue, Las Vegas, Nevada 89102.*

(b) A summary of the public response:

*The Division received no written or oral comments.*

(c) An explanation of how other interested persons may obtain a copy of the summary:

*The summary in part 2(b) above reflects the comments and testimony that transpired with regard to regulation R093-17. A copy of said summary may be obtained by e-mail request to [insinfo@doi.nv.gov](mailto:insinfo@doi.nv.gov).*

3. The number of persons who:

- (a) Attended each hearing: *6 Division employees.*
- (b) Testified at each hearing: *1 Division employee.*
- (c) Submitted to the agency written statements: *0.*

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3 (b) and (c), as provided to the agency:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Erin Summers	Division of Insurance	1818 E College Pkwy Carson City NV 89706	(775) 687-0765	esummers@doi.nv.gov

5. A description of how comment was solicited from affected businesses, a summary of their responses, and an explanation of how other interested persons may obtain a copy of the summary.

*Comments were solicited from affected businesses in the same manner as they were*

*solicited from the public. Please see the description, summary and explanation provided above in response to question #2.*

6. If after consideration of public comment the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

*As there were no written comments submitted to the Division, and no one from the public was in attendance at either the workshop or the hearing to provide oral comments, the regulation was adopted without change.*

7. (a) The estimated economic effect of the adopted regulation on the business which it is to regulate:

(1) Both adverse and beneficial effects: *Filing through SERFF is cheaper for most companies. Filings can be approved more quickly. There are some costs associated with setup and training to use the SERFF system.*

(2) Both immediate and long-term effects: *Filing through SERFF is cheaper for most companies. Filings can be approved more quickly. There are some costs associated with setup and training to use the SERFF system.*

(b) The estimated economic effect of the adopted regulation on the public:

(1) Both adverse and beneficial effects: *None.*

(2) Both immediate and long-term effects: *None.*

8. The estimated cost to the agency for enforcement of the adopted regulation.

*None.*

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

*Not applicable, as there is no overlap or duplication.*

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

*Not applicable, as there are not more stringent provisions.*



11. If the regulation establishes a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

*Not applicable, as this regulation does not establish a new fee or increase an existing fee.*