

## Nevada

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### Summary

License is required for in-state active and passive debt buyers.

License is required for out-of-state active and passive debt buyers that solicit claims in Nevada.

In lieu of a license, out-of-state debt buyers may obtain a Certificate of Registration as a Foreign Collection Agency subject to a number of requirements and restrictions.

### Resources

Licensing Information: [http://fid.state.nv.us/New\\_AppPackage\\_CollectionAgency\\_Manager.htm](http://fid.state.nv.us/New_AppPackage_CollectionAgency_Manager.htm)

Statutes: <http://www.leg.state.nv.us/NRS/NRS-649.html>

Rules: <http://www.leg.state.nv.us/NAC/NAC-649.html>

### Statutory Provisions

NRS 649.010 “Claim” defined. “Claim” means any obligation for the payment of money or its equivalent that is past due.

NRS 649.020 “Collection agency” defined.

1. “Collection agency” means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

NRS 649.075 License required; exception.

1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner.

2. A person is not required to obtain a license if the person holds a certificate of registration as a foreign collection agency issued by the Commissioner pursuant to NRS 649.171.

NRS 649.171 Certificate of registration; limitations on business practices; fees; disciplinary action; regulations.

1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must meet the qualifications to do business as a collection agency in this State;

(b) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(c) Must submit proof to the Commissioner, upon application and upon each annual renewal of the certificate of registration, that the person and his or her employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim;

- (2) Respond to a bid, proposal or invitation for the right to collect or receive payment for another of any claim, unless the bid, proposal or invitation is for the collection of claims owed by residents of another state; or
  - (3) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;
  - (d) When collecting claims against debtors who are present in this State, must:
    - (1) Limit his or her activities and those of his or her employees and agents to interstate communications by telephone, mail or facsimile;
    - (2) Limit his or her activities and those of his or her employees and agents to the collection of claims from residents of this State on behalf of residents of another state; and
    - (3) Comply with the requirements of NRS 649.305 to 649.375, inclusive, with regard to his or her activities and those of his or her employees and agents;
  - (e) Must pay:
    - (1) A fee to apply for a certificate of registration of not less than \$200 prorated on the basis of the registration year as determined by the Commissioner; and
    - (2) An annual renewal fee of not more than \$200;
  - (f) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;
  - (g) Must maintain the accounts, books and records of the collection agency in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and
  - (h) Must pay any fees related to any examination of the accounts, books and records of the collection agency conducted by the Commissioner pursuant to subsection 3.
3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.
4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.
5. The Commissioner shall adopt:
- (a) Regulations establishing the amount of the fees required pursuant to this section; and
  - (b) Any other regulations as may be necessary to carry out the provisions of this section.

### **Rules**

NAC 649.105 Exemption from requirement to obtain license. (NRS 649.053, 649.075)

A person who is not required to obtain a license as set forth in NRS 649.075 must obtain an exemption from the Commissioner of Financial Institutions certifying that he or she is not required to obtain a license. The exemption must be obtained before the person engages in collection activities governed by chapter 649 of NRS.