

Amendment No. 144

Assembly Amendment to Assembly Bill No. 284	(BDR 9-761)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/BAW



Date: 4/8/2021

A.B. No. 284—Revises provisions relating to statutory liens on motor vehicles.  
(BDR 9-761)





ASSEMBLY BILL NO. 284—ASSEMBLYWOMAN MARTINEZ

MARCH 15, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to statutory liens on motor vehicles. (BDR 9-761)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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

AN ACT relating to statutory liens; providing a procedure to contest the validity of a lien on a motor vehicle; requiring that certain additional information be provided in a notice of lien on a motor vehicle; providing for the expiration of a lien on a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a person to contest the validity of a lien on a mobile home or manufactured home. (NRS 108.355) **Section 1** of this bill establishes a similar procedure for a person to contest the validity of a lien on a motor vehicle. Existing law requires that a notice of lien on a mobile home or manufactured home must include: (1) the amount necessary to satisfy the lien; and (2) a description of the legal proceedings available to contest the lien. (NRS 108.2725) **Section 3** of this bill requires that similar information be included in a notice of lien on a motor vehicle.

Under existing law, a lien on a mobile home or manufactured home expires 1 year after the lien is filed with the Housing Division of the Department of Business and Industry. (NRS 108.2735) **Section 4** of this bill provides that a lien on a motor vehicle expires 6 months after the lien is filed with the Department of Motor Vehicles.

**The provisions of this bill do not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity.**

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

**Section 1.** Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. ~~1.~~ *Except as otherwise provided in subsection 5, a person contesting the validity of a lien on a motor vehicle may file a notice of opposition to the lien in the justice court in whose jurisdiction the registered owner of the motor vehicle lives. A person may file a notice of opposition at any time after receiving a notice of lien and must include the facts supporting the opposition. The person filing the***

1 *notice shall serve copies of the notice upon the lien claimant and the Department*  
2 *of Motor Vehicles.*

3 2. *Upon the filing of the notice of opposition to the lien, the justice of the*  
4 *peace shall schedule a hearing on the notice, which must be held not later than*  
5 *14 calendar days after service of the notice but not sooner than 5 calendar days*  
6 *after service of the notice. The justice of the peace shall affix the date of the*  
7 *hearing to the notice and order that a copy be served upon the lien claimant*  
8 *within 5 calendar days after the date of the order.*

9 3. *The justice of the peace shall dismiss the objections to the lien claim,*  
10 *declare the lien invalid or declare the amount of the lien if the amount of the lien*  
11 *is different from that described by the lien claimant.*

12 4. *After receipt of a notice of opposition to a lien or other notice pursuant to*  
13 *any proceeding to contest the validity of a lien on a motor vehicle, the*  
14 *Department of Motor Vehicles shall not transfer the title to the motor vehicle that*  
15 *is subject to the lien until the matter has been adjudicated.*

16 5. *This section does not  ~~affect~~  :*

17 *(a) Affect the rights of a secured party pursuant to chapter 104 of NRS.*

18 *(b) Apply to a lien asserted by the operator of a tow car holding a certificate*  
19 *of public convenience and necessity issued pursuant to NRS 706.4463.*

20 **Sec. 2.** NRS 108.265 is hereby amended to read as follows:

21 108.265 As used in NRS 108.265 to 108.367, inclusive, *and section 1 of this*  
22 *act*, unless the context otherwise requires, the words and terms defined in NRS  
23 108.266 to 108.26795, inclusive, have the meanings ascribed to them in those  
24 sections.

25 **Sec. 3.** NRS 108.2725 is hereby amended to read as follows:

26 108.2725 1. In addition to the requirements set forth in NRS 108.272, the  
27 notice of a lien on a mobile home or manufactured home must include:

28  ~~(a)~~  (a) The amount necessary to satisfy the lien; and

29  ~~(b)~~  (b) A description of the legal proceeding available to contest the lien  
30 pursuant to NRS 108.350 and 108.355.

31 2.  ~~Except as otherwise provided in this subsection, in addition to the~~  
32 *requirements set forth in NRS 108.272, the notice of a lien on a motor vehicle*  
33 *must include:*

34 (a) *The amount necessary to satisfy the lien; and*

35 (b) *A description of the legal proceeding available to contest the lien*  
36 *pursuant to NRS 108.350 and section 1 of this act.*

37 *↪ This subsection does not apply to a lien asserted by the operator of a tow car*  
38 *holding a certificate of public convenience and necessity issued pursuant to NRS*  
39 *706.4463.*

40 **Sec. 4.** NRS 108.2735 is hereby amended to read as follows:

41 108.2735 1. A lien asserted against a mobile home or manufactured home  
42 expires 1 year after  ~~the~~  *the* lien is filed with the Housing Division of the  
43 Department of Business and Industry.

44 2.  ~~Except as otherwise provided in this subsection, a lien asserted~~  
45 *against a motor vehicle expires 6 months after the lien is filed with the*  
46 *Department of Motor Vehicles. This subsection does not apply to a lien asserted*  
47 *by the operator of a tow car holding a certificate of public convenience and*  
48 *necessity issued pursuant to NRS 706.4463.*

49 **Sec. 5.** This act becomes effective on July 1, 2021.