

ASSEMBLY BILL NO. 37—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing consignment auctions
of motor vehicles. (BDR 40-379)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for a Term of Imprisonment in County or
City Jail or Detention Facility.
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 air pollution; revising provisions relating to the
sale of a motor vehicle at a consignment auction;
providing a penalty; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 Existing law generally requires that a seller of a used motor vehicle provide the
2 buyer of the vehicle with evidence that the vehicle complies with certain emissions
3 standards for the purpose of registering the vehicle with the Department of Motor
4 Vehicles. (NRS 445B.800) Existing law exempts from this requirement a consignee
5 who is authorized to sell vehicles at a qualifying consignment auction if the vehicle
6 is sold on behalf of a registered owner, lienholder or insurance company and the
7 consignee, at the time of the auction, complies with certain notice requirements.
8 (NRS 445B.728, 445B.805, 445B.807) **Sections 2-12** of this bill provide that, for
9 the purpose of entrusting or authorizing a consignee to sell or display for sale a
10 motor vehicle at such an auction, the registered owner or lienholder may not be an
11 automobile wrecker, body shop, distributor, manufacturer, rebuilder, salvage pool,
12 vehicle dealer or garage.



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

1 **Section 1.** Chapter 445B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 12, inclusive, of this
3 act.

4 **Sec. 2.** *“Automobile wrecker” has the meaning ascribed to it*
5 *in NRS 487.047.*

6 **Sec. 3.** *“Body shop” has the meaning ascribed to it in*
7 *NRS 487.532.*

8 **Sec. 4.** *“Distributor” has the meaning ascribed to it in*
9 *NRS 482.028.*

10 **Sec. 5.** *“Garage” has the meaning ascribed to it in*
11 *NRS 487.540.*

12 **Sec. 6.** *“Licensee” means any automobile wrecker, body*
13 *shop, distributor, manufacturer, rebuilder, salvage pool or vehicle*
14 *dealer licensed by the Department, or any garage registered with*
15 *the Department.*

16 **Sec. 7.** *“Lienholder” means any person, other than a*
17 *licensee, who holds a lien on a motor vehicle.*

18 **Sec. 8.** *“Manufacturer” has the meaning ascribed to it in*
19 *NRS 482.060.*

20 **Sec. 9.** *“Rebuilder” has the meaning ascribed to it in*
21 *NRS 482.097.*

22 **Sec. 10.** *“Registered owner” means any person, other than a*
23 *licensee, whose name appears in the records of the Department as*
24 *the person to whom a vehicle is registered.*

25 **Sec. 11.** *“Salvage pool” has the meaning ascribed to it in*
26 *NRS 487.400.*

27 **Sec. 12.** *“Vehicle dealer” has the meaning ascribed to it in*
28 *NRS 482.020.*

29 **Sec. 13.** NRS 445B.700 is hereby amended to read as follows:
30 445B.700 As used in NRS 445B.700 to 445B.845, inclusive,
31 *and sections 2 to 12, inclusive, of this act*, unless the context
32 otherwise requires, the words and terms defined in NRS 445B.705
33 to 445B.758, inclusive, *and sections 2 to 12, inclusive, of this act*
34 have the meanings ascribed to them in those sections.

35 **Sec. 14.** NRS 445B.759 is hereby amended to read as follows:
36 445B.759 1. The provisions of NRS 445B.700 to 445B.845,
37 inclusive, *and sections 2 to 12, inclusive, of this act* do not apply to:

38 (a) Military tactical vehicles; or

39 (b) Replica vehicles.

40 2. As used in this section:

41 (a) “Military tactical vehicle” means a motor vehicle that is:



1 (1) Owned or controlled by the United States Department of
2 Defense or by a branch of the Armed Forces of the United States;
3 and

4 (2) Used in combat, combat support, combat service support,
5 tactical or relief operations, or training for such operations.

6 (b) "Replica vehicle" means any passenger car or light-duty
7 motor vehicle which:

8 (1) Has a body manufactured after ~~1968~~ 1967 which is
9 made to resemble a vehicle of a model manufactured before 1968;

10 (2) Has been altered from the original design of the
11 manufacturer or has a body constructed from materials which are
12 not original to the vehicle;

13 (3) Is maintained solely for occasional transportation,
14 including exhibitions, club activities, parades, tours or other similar
15 uses; and

16 (4) Is not used for daily transportation.

17 ➔ The term does not include a vehicle which has been restored to its
18 original design by replacing parts.

19 **Sec. 15.** NRS 445B.807 is hereby amended to read as follows:

20 445B.807 1. To qualify as a consignment auction for the
21 purposes of subsection 4 of NRS 445B.805, an event must be:

22 (a) A live auction with an auctioneer verbally calling for and
23 accepting bids; or

24 (b) An auction conducted on an auction website on the Internet
25 by a person who is certified pursuant to subsection 2 and who is:

26 (1) A vehicle dealer licensed pursuant to NRS 482.325; or

27 (2) A salvage pool licensed pursuant to NRS 487.410.

28 2. A person may obtain certification for the purposes of
29 paragraph (b) of subsection 1 by:

30 (a) Applying to the Department of Motor Vehicles;

31 (b) Providing evidence satisfactory to the Department that the
32 person is licensed as a vehicle dealer pursuant to NRS 482.325 or as
33 a salvage pool pursuant to NRS 487.410;

34 (c) Providing evidence satisfactory to the Department that at
35 least 51 percent of the *motor* vehicles sold by the person in the
36 calendar year immediately preceding the date of the person's
37 application were sold on behalf of another person and were sold
38 using:

39 (1) A live auction with an auctioneer verbally calling for and
40 accepting bids; or

41 (2) An auction conducted on an auction website on the
42 Internet by the person; and

43 (d) Providing any other information or documentation required
44 by the Department.



1 3. The Department may adopt any regulations necessary to
2 carry out the provisions of this section, including, without
3 limitation, providing procedures for the application for and the
4 granting of a certification pursuant to this section and providing for
5 the expiration and renewal of the certification.

6 **Sec. 16.** NRS 445B.835 is hereby amended to read as follows:

7 445B.835 1. The Department of Motor Vehicles may impose
8 an administrative fine, not to exceed \$2,500, for a violation of any
9 provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2*
10 *to 12, inclusive, of this act*, or any rule, regulation or order adopted
11 or issued pursuant thereto. The Department shall afford to any
12 person so fined an opportunity for a hearing pursuant to the
13 provisions of NRS 233B.121.

14 2. All administrative fines collected by the Department
15 pursuant to subsection 1 must be deposited with the State Treasurer
16 *for credit* to the ~~credit of the~~ Pollution Control Account.

17 3. In addition to any other remedy provided by NRS 445B.700
18 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act*,
19 the Department may compel compliance with any provision of NRS
20 445B.700 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of*
21 *this act*, and any rule, regulation or order adopted or issued pursuant
22 thereto, by injunction or other appropriate remedy and the
23 Department may institute and maintain in the name of the State of
24 Nevada any such enforcement proceedings.

25 **Sec. 17.** NRS 445B.840 is hereby amended to read as follows:

26 445B.840 It is unlawful for any person to:

27 1. Possess any unauthorized evidence of compliance;
28 2. Make, issue or use any imitation or counterfeit evidence of
29 compliance;

30 3. Willfully and knowingly fail to comply with the provisions
31 of NRS 445B.700 to 445B.815, inclusive, *and sections 2 to 12,*
32 *inclusive, of this act*, or any regulation adopted by the Department
33 of Motor Vehicles; or

34 4. Issue evidence of compliance if he or she is not a licensed
35 inspector of an authorized inspection station, authorized station or
36 fleet station.

37 **Sec. 18.** NRS 445B.845 is hereby amended to read as follows:

38 445B.845 1. A violation of any provision of NRS 445B.700
39 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act*
40 relating to motor vehicles, or any regulation adopted pursuant
41 thereto relating to motor vehicles, is a misdemeanor. The provisions
42 of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 12,*
43 *inclusive, of this act*, or any regulation adopted pursuant thereto,
44 must be enforced by any peace officer.



1 2. Satisfactory evidence that the motor vehicle or its equipment
2 conforms to those provisions or regulations, when supplied by the
3 owner of the motor vehicle to the Department of Motor Vehicles
4 within 10 days after the issuance of a citation pursuant to subsection
5 1, may be accepted by the court as a complete or partial mitigation
6 of the offense.

7 **Sec. 19.** This act becomes effective on July 1, 2015.

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