Assembly Bill No. 188–Committee on Transportation

CHAPTER........

AN ACT relating to motor vehicles; revising the grounds for denying, suspending or revoking a license to engage in the activity of a broker of vehicles; and providing other matters properly relating thereto.

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

Section 1. NRS 482.333 is hereby amended to read as follows:

482.333 1. A person shall not engage in the activity of a broker of vehicles in this state without first having received a license from the department. Before issuing a license to a broker, the department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant desires to be licensed as a broker, his residential address, his social security number and the address of his principal place of business;

(b) A statement as to whether any previous application of the applicant for a license as a vehicle dealer or broker has been denied or whether such a license has been suspended or revoked;

(c) Payment of a nonrefundable license fee of $125;

(d) For initial licensure, the submission of a complete set of the applicant's fingerprints and written permission authorizing the department to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and

(e) Any other information the department deems necessary.

A license issued pursuant to this section expires on December 31 of the year in which it was issued and may be renewed annually upon the payment of a fee of $50.

2. ~~[An application for a broker's license may be denied and a broker's license may be suspended or revoked upon the following grounds:~~

~~(a) Conviction of a felony;~~

~~(b) Conviction of a gross misdemeanor;~~

~~(c) Conviction of a misdemeanor for violation of any of the provisions of this chapter;~~

~~(d) Falsification of the application;]~~ ***The department may deny the issuance of, suspend or revoke a license to engage in the activities of a broker of vehicles upon any of the following grounds:***

(a) Failure of the applicant to have an established place of business in this state.

(b) Conviction of a felony in this state or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee

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(e) Failure or refusal to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 **.** ~~[; or]~~

(f) ***Willful failure to comply with a provision of the motor vehicle laws of this state or a directive of the director. For the purpose of this paragraph, failure to comply with a directive of the director advising the licensee of his noncompliance with a provision of the motor vehicle laws of this state or a regulation of the department, within 10 days after the receipt of the directive, is prima facie evidence of willful failure to comply with the directive.***

(g) Failure or refusal to furnish and keep in force any bond.

(h) Failure on the part of the licensee to maintain a fixed place of business in this state.

(i) Failure or refusal by the licensee to pay or otherwise discharge a final judgment against the licensee rendered and entered against him, arising out of the misrepresentation of a vehicle, trailer or semitrailer, or out of a fraud committed in connection with the brokering of a vehicle, trailer or semitrailer.

(j) Failure of the licensee to maintain any other license or bond required by a political subdivision of this state.

(k) Any other reason determined by the director to be in the best interests of the public.

The director may deny the issuance of a license to an applicant or revoke a license already issued if the department is satisfied that the applicant or licensee is not entitled thereto.

3. If an application for a broker's license has been denied, the applicant may not reapply sooner than 6 months after the denial.

4. A broker's license must be posted in a conspicuous place on the premises of the broker's principal place of business.

5. If any information submitted in the application for a broker's license changes, the broker shall submit a written notice of the change to the department within 10 days after the change occurs.

6. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activity of a broker of vehicles, the department may require the applicant or licensee to submit to the department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the department who are authorized to issue a license to an applicant pursuant to NRS 482.333 to 482.334, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. Except as otherwise provided in NRS 482.555, any person who fails to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 2. This act becomes effective upon passage and approval.

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