

Assembly Bill No. 452–Committee on Transportation

CHAPTER.....

AN ACT relating to vehicles; prohibiting the inclusion of certain statements regarding mileage in certain certificates of ownership; revising the provisions governing the sale of a vehicle as salvage; renaming a certificate of dismantling as a salvage title; 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 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the legal name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the department.

2. The certificate of ownership must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, and such other statement of facts as may be determined by the department. The reverse side of the certificate of ownership must contain forms for notice to the department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of ownership is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. *Except as otherwise required by federal law, the certificate of ownership of a vehicle which the department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.*

Sec. 2. NRS 482.470 is hereby amended to read as follows:

482.470 1. If any vehicle is dismantled, junked or rendered inoperative and unfit for further use in accordance with the original purpose for which it was constructed, the owner shall deliver to the department any certificate of registration and certificate of ownership issued by the department or any other jurisdiction, unless the certificate of ownership is required for the collection of any insurance or other indemnity for the loss of the vehicle, or for transfer in order to dispose of the vehicle.

2. Any other person taking possession of a vehicle described in subsection 1 shall immediately deliver to the department any license plate or plates, certificate of registration or certificate of ownership issued by the department or any other jurisdiction, if he has acquired possession of any of these and unless the certificate of ownership is required for a further transfer in the ultimate disposition of the vehicle.

3. The department may issue a ~~{certificate of dismantling,}~~ **salvage title** as provided in chapter 487 of NRS. The department shall not charge a fee for the issuance of the ~~{certificate,}~~ **salvage title**.

4. The department shall destroy any plate or plates, certificate of registration or certificate of ownership that is returned in a manner described in subsections 1 and 2. The department shall not issue a certificate of registration or certificate of ownership for a vehicle with the same identification number as the dismantled, junked or inoperative vehicle if the vehicle was manufactured in the 5 years preceding the date on which it was dismantled, junked or otherwise rendered inoperative, unless the department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

Sec. 3. NRS 487.100 is hereby amended to read as follows:

487.100 1. Except as otherwise provided in subsection 2, any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool, any vehicle subject to registration pursuant to the laws of this state shall forward to the department the certificates of ownership and registration last issued therefor.

2. The certificate of ownership last issued for a mobile home or commercial coach must be sent by the wrecker to the manufactured housing division.

3. The state agency may issue to the licensee a ~~{certificate of dismantling,}~~ **salvage title** containing a brief description of the vehicle, including, insofar as data may exist with respect to the vehicle, the make, type, serial number and motor number, or any other number of the vehicle. The state agency shall not charge a fee for the issuance of the ~~{certificate,}~~ **salvage title**.

Sec. 4. NRS 487.120 is hereby amended to read as follows:

487.120 1. If the applicant for a ~~{certificate of dismantling,}~~ **salvage title** is unable to furnish the certificates of ownership and registration last issued for the vehicle or a bill of sale of salvage, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a ~~{certificate of dismantling,}~~ **salvage title**, the state agency may issue the ~~{certificate,}~~ **salvage title**.

2. No duplicate certificate of ownership or registration may be issued when a ~~{certificate of dismantling,}~~ **salvage title** is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

Sec. 5. NRS 487.130 is hereby amended to read as follows:

487.130 If any person acquires a vehicle as transferee for the purpose of dismantling or wrecking ~~{the same,}~~ **it**, the title to the vehicle ~~{shall}~~ **must** be transferred to the person without payment of any fee upon application for the issuance of a ~~{certificate of dismantling,}~~ **salvage title**.

Sec. 6. NRS 487.150 is hereby amended to read as follows:

487.150 No vehicle for which a ~~{certificate of dismantling,}~~ **salvage title** has been issued may subsequently be registered until it has been inspected by the department and found to be in a safe mechanical condition and equipped with safety glass.

Sec. 7. NRS 487.160 is hereby amended to read as follows:

487.160 1. The department, after notice and hearing, may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

- (a) Is not lawfully entitled thereto;
- (b) Has made, or knowingly or negligently permitted, any illegal use of that license;
- (c) Has failed to return a ~~{certificate of dismantling,}~~ **salvage title** to the state agency when and as required of him by NRS 487.045 to 487.190, inclusive; or

- (d) Has failed to surrender to the state agency certificates of ownership for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The department may suspend, revoke or refuse to renew a license of an automobile wrecker, or deny a license to an applicant therefor, if the licensee or applicant:

- (a) Does not have or maintain an established place of business in this state.
- (b) Made a material misstatement in any application.
- (c) Willfully fails to comply with any provision of NRS 487.045 to 487.190, inclusive.
- (d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.190, inclusive.
- (e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.
- (f) Fails to maintain any license or bond required by a political subdivision of this state.
- (g) Has been convicted of a felony.
- (h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. 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 any financial obligation related to the business of dismantling, scrapping, processing or wrecking 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 487.050 to 487.200, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.045 to 487.190, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 8. NRS 487.250 is hereby amended to read as follows:

487.250 1. The state agency or political subdivision shall, within 48 hours after the appraisal, notify the head of the state agency of the removal of the vehicle. The notice must contain:

(a) A description of the vehicle.

(b) The appraised value of the vehicle.

(c) A statement as to whether the vehicle will be junked, dismantled or otherwise disposed of.

2. The person who removed the vehicle must notify the registered owner and any person having a security interest in the vehicle by registered or certified mail that the vehicle has been removed and will be junked or dismantled or otherwise disposed of unless the registered owner or the person having a security interest in the vehicle responds and pays the costs of removal.

3. Failure to reclaim within 15 days after notification a vehicle appraised at \$500 or less constitutes a waiver of interest in the vehicle by any person having an interest in the vehicle.

4. If all recorded interests in a vehicle appraised at \$500 or less are waived, either as provided in subsection 3 or by written disclaimer by any

person having an interest in the vehicle, the state agency shall issue a ~~{certificate of dismantling}~~ **salvage title** to the automobile wrecker who towed the vehicle or to whom the vehicle may have been delivered, or a certificate of ownership to the garage owner if he elects to retain the vehicle and the vehicle is equipped as required by chapter 484 of NRS.

Sec. 9. NRS 487.270 is hereby amended to read as follows:

487.270 1. Whenever a vehicle has been removed to a garage or other place as provided by NRS 487.230, the owner of the garage or the automobile wrecker who towed the vehicle has a lien on the vehicle for the costs of towing and storing for a period not exceeding 90 days.

2. If the vehicle is appraised at a value of \$500 or less and is not reclaimed within the period prescribed in NRS 487.250, the owner of the garage or automobile wrecker may satisfy his lien by retaining the vehicle and obtaining a certificate of ownership thereto or a ~~{certificate of dismantling}~~ **salvage title** as provided in NRS 487.250.

3. If the vehicle is appraised at a value of more than \$500 and is not reclaimed within 45 days, the owner of the garage or automobile wrecker may satisfy his lien, in accordance with the provisions of NRS 108.265 to 108.360, inclusive.

Sec. 10. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this state, he must have in his possession the certificate of ownership or a bill of sale of salvage for that vehicle. He shall, within 10 days after completion of the transaction, forward the certificate of ownership or bill of sale of salvage to the department. The department shall not issue a certificate of registration or certificate of ownership for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the operator forwards the certificates to the department, unless the department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a bill of sale of salvage to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder on a form prescribed and supplied by the department. The department shall accept the bill of sale **of salvage** in lieu of the certificate of ownership or other evidence of title from the:

(a) Automobile wrecker, if **the bill of sale of salvage is** accompanied by an appropriate application for a ~~{certificate of dismantling;}~~ **salvage title;** or

(b) Dealer of new or used motor vehicles or rebuilder when he licenses the vehicle for operation or transfers ownership of it, if the bill of sale **of salvage** is accompanied by an appropriate application, all other required documents and fees, and a certificate of inspection signed by an employee of the department attesting to the mechanical fitness and safety of the vehicle.

3. The department may issue to:

- (a) The licensed automobile wrecker;
- (b) A **licensed operator of a** salvage pool;
- (c) A dealer of new or used motor vehicles who is licensed in another state ~~;~~ **or foreign country and is registered with a salvage pool;** or
- (d) An automobile wrecker or dismantler who is licensed in another state ~~;~~ **or foreign country and is registered with a salvage pool,**

a salvage title that contains a brief description of the vehicle, including, insofar as data may exist with respect to the vehicle, the make, type, serial number and motor number, or any other number of the vehicle. Except as otherwise provided in this subsection, the department shall charge and collect a fee of \$10 for the issuance of a ~~{certificate of dismantling}~~ **salvage title** pursuant to this subsection. The department shall not charge such a fee for the issuance of a ~~{certificate of dismantling}~~ **salvage title** to an automobile wrecker licensed in this state. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers, body shops and garages. Possession of a ~~{certificate of dismantling}~~ **salvage title** does not entitle a person to dismantle, scrap, process or wreck any vehicle in this state unless the person holds a license issued pursuant to NRS 487.050.

Sec. 11. This act becomes effective upon passage and approval.

~