

Assembly Bill No. 171—Assemblymen Chowning, Parks, Dini, Freeman, Cegavske, Anderson, Beers, Brower, Claborn, Collins, de Braga, Gibbons, Hettrick, Humke, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Nolan, Ocegüera, Parnell, Price, Smith, Von Tobel and Williams

CHAPTER.....

AN ACT relating to motor vehicles; requiring that a statement of charges be presented to a person requesting the repair of a motor vehicle; removing certain exemptions from the provisions governing garages and garagemen; providing under certain circumstances for the waiver of the registration fee to operate a garage; providing under certain circumstances for the revocation of a certificate of registration to operate a garage; 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 487.035 is hereby amended to read as follows:

487.035 1. ~~In every instance where~~ *If* charges are made for the repair of ~~an automobile~~ *a motor vehicle*, the person making ~~such charge~~ *the charges* shall present to the person requesting the repairs or the person entitled to possession of the ~~automobile~~ *motor vehicle* a statement of the charges containing the following information:

- (a) The name and signature of the person authorizing or requesting the repairs;
- (b) A statement of the total charges;
- (c) An itemization and description of all parts used to repair the ~~automobile~~ *motor vehicle* indicating the charges made for each part;
- (d) A statement of the charges made for labor; and
- (e) A description of all other charges.

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of ~~an automobile~~ *a motor vehicle* registered in the State of Nevada, no lien for labor or materials provided under NRS 108.265 to 108.360, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the ~~automobile~~ *motor vehicle*. In all other cases, such notice ~~shall~~ *must* be made to the last known address of the registered owner and any other person known to have or to claim an interest in the ~~automobile~~ *motor vehicle*.

4. *As used in this section, "motor vehicle" has the meaning ascribed to it in NRS 487.550.*

Sec. 2. NRS 487.555 is hereby amended to read as follows:

487.555 The provisions of NRS 487.530 to 487.570, inclusive, do not apply to ~~the~~:

~~1. An authorized inspection station, authorized maintenance station, authorized station or fleet station that is licensed pursuant to the provisions of NRS 445B.700 to 445B.845, inclusive, for actions taken within the scope of that license.~~

~~2. A body shop that is licensed pursuant to the provisions of NRS 487.600 to 487.690, inclusive, for actions taken within the scope of that license.~~

~~3. At~~ a service station that is exclusively engaged in the business of selling motor vehicle fuel, lubricants or goods unrelated to the repair of motor vehicles.

Sec. 3. NRS 487.560 is hereby amended to read as follows:

487.560 1. On and after January 1, 1998, a garageman shall register with the department for authorization to operate a garage.

2. An application for registration must be on a form provided by the department. The application must include:

(a) The name of the applicant, including each name under which he intends to do business;

(b) The complete street address of each location from which the applicant will be conducting business, including a designation of the location that will be his principal place of business;

(c) A copy of the business license for each garage operated by the applicant if the county or city in which the applicant operates a garage requires such a license;

(d) The type of repair work offered at each garage operated by the applicant;

(e) The number of mechanics employed at each garage operated by the applicant;

(f) The statement required by NRS 487.563; and

(g) Any other information required by the department.

3. ~~For~~ *Except as otherwise provided in this subsection, for* each garage operated by an applicant, the department shall charge a fee of \$25 for the issuance or renewal of registration. If an applicant operates more than one garage, he may file one application if he clearly indicates on the application the location of each garage operated by the applicant and each person responsible for the management of each garage. *The department shall waive the fee for the issuance or renewal of registration for a person that is licensed as:*

(a) An authorized inspection station, authorized maintenance station or authorized station pursuant to chapter 445B of NRS;

(b) A manufacturer, distributor, dealer or rebuilder pursuant to chapter 482 of NRS; or

(c) An automobile wrecker, salvage pool or body shop pursuant to chapter 487 of NRS.

4. All fees collected pursuant to this section must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers, body shops and garages.

5. An applicant for registration or renewal of registration shall notify the department of any material change in the information contained in his application for registration or renewal within 10 days after his knowledge of the change.

Sec. 4. NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 must include in the application a written statement to the department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the department or specifies in the statement that he

does not agree to arbitrate those claims, the person shall file with the department a bond in the amount of \$5,000, with a corporate surety for the bond that is licensed to do business in this state. The form of the bond must be approved by the attorney general and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive.

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the department, pursuant to the terms prescribed by the department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the department; or

(b) A savings certificate of a bank or savings and loan association located in this state, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the department. Interest earned on the certificate accrues to the account of the applicant.

4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.015 to 38.205, inclusive.

5. If a person:

(a) Submits the statement to the department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and

(b) Fails to submit to binding arbitration any claim specified in that subsection,

the person asserting the claim may notify the department of that fact. Upon receipt of the notice, the department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.

6. *If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, the department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to comply with the order.*

7. The department may reinstate or renew a certificate of registration that is ~~revoked~~:

(a) *Revoked* pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:

~~(a)~~ (1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the department of that fact; or

~~(b)~~ (2) Files a bond or makes a deposit with the department pursuant to the provisions of this section.

(b) *Revoked pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.*

Sec. 5. NRS 487.565 is hereby amended to read as follows:

487.565 1. If the department receives an application for registration that contains the information required by NRS 487.560, it shall issue to the applicant a certificate of registration for each garage operated by the applicant. The certificate must contain the name of the applicant, the name under which his business will be conducted, the address of his business and the registration number for the garage.

2. A certificate of registration is valid for 1 year after the date of issuance. A garageman may renew his registration by submitting to the department:

(a) An application for renewal on a form provided by the department; and

(b) ~~The~~ *Except as otherwise provided in NRS 487.560, the* fee for renewal set forth in ~~NRS 487.560;~~ *that section.*

The application must include the statement required by NRS 487.563.