ASSEMBLY BILL NO. 181–ASSEMBLYMAN MANENDO (BY REQUEST)

FEBRUARY 27, 2007

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the survey of labor rates charged by body shops. (BDR 43-456)

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 motor vehicles; revising provisions concerning the survey of labor rates charged by body shops; requiring the Department of Motor Vehicles to allow on-line verification of a license of a body shop; requiring an operator of a body shop to complete the survey as a condition for renewal of his license; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Sections 2 and 8** of this bill transfer the duty to conduct an annual survey of rates charged by licensed body shops from the Commissioner of Insurance to the Department of Motor Vehicles. (NRS 690B.015) **Section 2** further requires the Department to conduct the survey by providing an on-line form which must be completed and submitted electronically by the operator of each licensed body shop and made available to the public on the Department's website not more than 30 days after the renewal of the body shop's license. **Section 3** of this bill requires the Department to compile the results of each survey in a report which must be made available to the public on-line. **Section 4** of this bill requires the Department to provide a method by which a person may verify the license of a body shop on-line. **Sections 6 and 7** of this bill require an operator of a body shop to complete the survey as a condition for the renewal of his license. (NRS 487.630)

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

**Section 1.** Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** ***1. A body shop licensed in this State must complete an on-line survey within 60 days immediately preceding the date of the submission of the application for renewal of the license of the body shop.***

***2. The Department shall conduct the survey by providing a form on its website or other Internet site to be completed by each body shop and submitted electronically to the Department.***

***3. Each survey must include, without limitation:***

***(a) The name and address of the body shop;***

***(b) The labor rate charged by the body shop; and***

***(c) Any other information the Department deems necessary.***

***4. The information obtained from each survey must be available to the public on-line not more than 30 days after the renewal of the body shop's license.***

**Sec. 3.** ***1. The Department must compile the results of each survey completed pursuant to section 2 of this act in a report which must be made available to the public on-line. The report must include, without limitation:***

***(a) The names and addresses of all body shops that complete the survey;***

***(b) The prevailing labor rate for body shops in a specific geographic area as established by the Department; and***

***(c) Any other information the Department deems necessary.***

***2. As used in this section, "prevailing labor rate" means the average labor rate reported in the survey in a specific geographic area.***

**Sec. 4.** ***The Department shall provide a method on its website or other Internet site by which a person may verify the license of a body shop.***

**Sec. 5.** NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ***and sections 2, 3 and 4 of this act,*** "body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.

**Sec. 6.** NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must include the social security number of the applicant and ***must*** be accompanied by such proof as

the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The Department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. 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.

3. Upon receipt of the application and the statement required pursuant to NRS 487.003 and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; ~~[and]~~

(c) ***Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within 60 days immediately preceding the date of the submission of the application for renewal of a license, the survey required pursuant to section 2 of this act; and***

***(d)*** The fee for renewal of a license provided in subsection 2.

**Sec. 7.** NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must be accompanied by such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The Department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. 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.

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department; ~~[and]~~

(b) ***Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within 60 days immediately preceding the date of the submission of the application for renewal of a license, the survey required pursuant to section 2 of this act; and***

***(c)*** The fee for renewal of a license provided in subsection 2.

**Sec. 8.** NRS 690B.015 is hereby repealed.

**Sec. 9.** 1. This section and sections 1 to 6, inclusive, and 8 of this act become effective on July 1, 2007.

2. Section 6 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 7 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

**TEXT OF REPEALED SECTION**

**690B.015 Commissioner to conduct survey of operators of body shops; information to be compiled in report.**

1. The Commissioner shall annually conduct a survey of licensed operators of body shops in this State to determine:

(a) The rates charged by such operators for painting and other repairs; and

(b) The difference, if any, between the amount paid by the operators for new and used parts acquired for repairs and the amount charged to customers for those parts.

2. The information obtained by the survey must be compiled in a written report, which must set forth information relating to:

(a) Each county separately whose population is 50,000 or more; and

(b) The remaining counties of the State.

➥ The report is a public record for the purposes of NRS 239.010.

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