

Amendment No. 316

Senate Amendment to Senate Bill No. 246 First Reprint (BDR 43-989)

Proposed by: Senate Committee on Energy, Infrastructure and Transportation**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 246 (§§ 5, 14).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

SJH/MSN



Date: 4/10/2009

S.B. No. 246—Revises provisions governing the sale of vehicles. (BDR 43-989)



SENATE BILL NO. 246—SENATORS TOWNSEND, HARDY; CEGAVSKE, HORSFORD, LEE,
MATHEWS, MCGINNESS AND RHOADS

MARCH 16, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Revises provisions governing the sale of vehicles. (BDR 43-989)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to vehicles; prohibiting a manufacturer from requiring a dealer to alter substantially an existing facility of the dealer or construct a new facility except under certain circumstances; prohibiting a manufacturer from taking adverse action against a dealer relating to the exportation of a vehicle outside the United States except under certain circumstances; providing for the licensure of an agent of a broker; revising provisions governing the modification or replacement of a franchise; establishing fees; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill prohibits a manufacturer from requiring a dealer to alter substantially an existing facility or to construct a new facility for any new vehicles that are handled by the dealer under certain circumstances. **Section 2** also provides that such a requirement constitutes a modification of the franchise of the dealer.

Section 3 of this bill prohibits a manufacturer from taking adverse action against a dealer who sells a vehicle which is later exported outside the United States, unless the dealer had actual knowledge of or reasonably should have known of the exportation of the vehicle.

Sections 5 and 14 of this bill provide for the licensure of an agent for a broker of vehicles in this State. A person who violates the provisions governing the licensure of such agents is guilty of a misdemeanor.

Section 8 of this bill provides that if a manufacturer is purchased by another manufacturer or entity, a dealer must be offered a franchise agreement that is substantially similar to the franchise agreement offered to other dealers of the same line-make vehicles.

Section 8 defines such vehicles as those vehicles which are offered for sale, lease or distribution under the same name, trademark, service mark or brand of the manufacturer of the vehicles. (NRS 482.36354)

Section 13 of this bill provides that the forms for the application for credit and contracts to be used in the sale of vehicles prescribed by the Commissioner of Financial Institutions must contain a provision that provides if the seller elects to rescind the contract, he must provide written notice to the buyer not ~~less~~ *more* than 20 days after the date of the contract. (NRS 97.299)

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

1 **Section 1.** Chapter 482 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 5, inclusive, of this act.

3 **Sec. 2. 1. A manufacturer shall not require a dealer:**

4 (a) *To alter substantially an existing facility of the dealer; or*

5 (b) *To construct a new facility,*

6 ↳ *for any new vehicles that are handled by the dealer, unless the alteration or*
7 *new construction constitutes a reasonable facility requirement in accordance*
8 *with the franchise agreement.*

9 2. *If a manufacturer requires a substantial alteration of an existing facility*
10 *of the dealer or requires the dealer to construct a new facility, that requirement*
11 *constitutes a modification of the franchise of the dealer for the purposes of this*
12 *section, NRS 482.36311 to 482.36425, inclusive, and sections 3 and 4 of this act.*

13 **Sec. 3.** *A manufacturer shall not modify the franchise of a dealer or take*
14 *any adverse action against a dealer that sells a vehicle which is later exported*
15 *outside the United States, unless the dealer had actual knowledge of or*
16 *reasonably should have known of the exportation of the vehicle.*

17 **Sec. 4.** (Deleted by amendment.)

18 **Sec. 5. 1. A person shall not engage in the activity of an agent for a**
19 *broker, or act in the capacity of an agent in this State without first having*
20 *received a license or temporary permit from the Department. Before issuing a*
21 *license or temporary permit to engage in the activity of an agent, the Department*
22 *shall require the applicant to submit to the Department:*

23 (a) *An application, signed and verified by the applicant, stating:*

24 (1) *That the applicant is to engage in the activity of an agent;*

25 (2) *The name, residence address and social security number of the*
26 *applicant; and*

27 (3) *The name and address of the employer of the applicant.*

28 (b) *Proof of the employment of the applicant by a broker at the time the*
29 *application is filed.*

30 (c) *A statement as to whether any previous application of the applicant has*
31 *been denied or any previous license of the applicant has been revoked.*

32 (d) *Payment of a nonrefundable license fee of \$75. The license expires on*
33 *December 31 of each calendar year and may be renewed annually upon the*
34 *payment of a fee of \$40.*

35 (e) *For initial licensure, a complete set of his fingerprints and written*
36 *permission authorizing the Department to forward those fingerprints to the*
37 *Central Repository for Nevada Records of Criminal History for submission to the*
38 *Federal Bureau of Investigation for its report.*

39 (f) *Any other information the Department determines necessary.*

40 2. *The Department may issue a 60-day temporary permit to an applicant*
41 *who has submitted a complete application and paid the required fee.*

42 3. *A license to act as an agent of a broker issued pursuant to this section*
43 *does not authorize a person to engage in the business of selling mobile homes.*

44 4. *The Department may deny an application for a license as an agent or*
45 *suspend or revoke a license issued pursuant to this section upon any of the*
46 *following grounds:*

1 (a) Failure of the applicant to establish by proof satisfactory to the
2 Department that he is employed by a broker.

3 (b) Conviction of a felony.

4 (c) Conviction of a gross misdemeanor.

5 (d) Conviction of a misdemeanor for a violation of any of the provisions of
6 this chapter.

7 (e) Falsification of the application.

8 (f) Evidence of unfitness as described in NRS 482.3255.

9 (g) Failure of the applicant to provide any information determined necessary
10 by the Department to process the application.

11 (h) Any reason determined by the Director to be in the best interests of the
12 public.

13 5. An agent shall not engage in any activity, or act in any other capacity as
14 an agent other than for the account of, or for and on behalf of, a single employer,
15 at a specified place of business of that employer, who must be a broker.

16 6. If an application for a license as an agent is denied, the applicant may
17 reapply for a license not less than 6 months after the denial.

18 7. An agent's license must be posted in a conspicuous place on the premises
19 of the broker by whom the agent is employed.

20 8. If an agent ceases to be employed by a broker, his license to act as an
21 agent is automatically suspended and his right to act as an agent immediately
22 ceases, and he shall not engage in the activity of an agent until he has:

23 (a) Paid the Department a transfer fee of \$20 and submitted a certificate of
24 employment indicating that he has been reemployed by a broker; and

25 (b) Presented a current temporary permit or new license to the broker by
26 whom he is employed.

27 9. If an agent changes his residential address, he shall submit a written
28 notice of the change to the Department within 10 days after the change occurs.

29 10. If a person who holds a temporary permit to act as an agent ceases to be
30 employed by a broker, his permit to act as an agent is automatically suspended,
31 his right to act as an agent immediately ceases and his application for licensure
32 must be denied until he has:

33 (a) Paid the Department a transfer fee of \$20 and submitted a certificate of
34 employment indicating that he has been reemployed by a broker; and

35 (b) Presented a current temporary permit or new license to the broker by
36 whom he is employed.

37 11. A broker who employs an agent shall notify the Department of the
38 termination of employment of the agent not later than 10 days after the date of
39 termination by forwarding the license of the agent to the Department.

40 12. Any person who fails to comply with the provisions of this section is
41 guilty of a misdemeanor except as otherwise provided in NRS 482.555.

42 13. As used in this section, "agent" means a person who is employed by a
43 broker and who, for a fee or any other consideration, assists the broker in
44 offering to provide to another person the service of arranging, negotiating or
45 assisting in the purchase of a new or used vehicle which has not been registered
46 or for which an ownership interest has not been taken by the broker.

47 Sec. 6. NRS 482.319 is hereby amended to read as follows:

48 482.319 1. Except as otherwise provided in subsection 5, a natural person
49 who applies for the issuance or renewal of a license issued pursuant to the
50 provisions of NRS 482.318 to 482.363105, inclusive, *and section 5 of this act* shall
51 submit to the Department the statement prescribed by the Division of Welfare and
52 Supportive Services of the Department of Health and Human Services pursuant to
53 NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, *and section 5 of this act* if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.

Sec. 7. NRS 482.3195 is hereby amended to read as follows:

482.3195 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to NRS 482.318 to 482.363105, inclusive, *and section 5 of this act*, the Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate a license issued pursuant to NRS 482.318 to 482.363105, inclusive, *and section 5 of this act* that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 7.5. NRS 482.36311 is hereby amended to read as follows:

482.36311 As used in NRS 482.36311 to 482.36425, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 482.36318 to 482.36348, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 482.36354 is hereby amended to read as follows:

482.36354 1. A manufacturer or distributor shall not modify the franchise of a dealer or replace the franchise with another franchise if the modification or replacement would have a substantially adverse effect upon the dealer's investment or his obligations to provide sales and service, unless:

(a) The manufacturer or distributor has given written notice of its intention to the Director and the dealer affected by the intended modification or replacement; and

(b) Either of the following conditions occurs:

(1) The dealer does not file a protest with the Director within 30 days after receiving the notice; or

(2) After a protest has been filed with the Director and the Director has conducted a hearing, the Director issues an order authorizing the manufacturer or distributor to modify or replace the franchise.

2. The notice required by subsection 1 must be given to the dealer and to the Director at least 60 days before the date on which the intended action is to take place.

3. If a manufacturer or distributor changes the area of primary responsibility of a dealer, the change constitutes a modification of the franchise of the dealer for the purposes of NRS 482.36311 to 482.36425, inclusive **and sections 2, 3 and 4 of this act**. As used in this subsection, "area of primary responsibility" means the geographic area in which a dealer, pursuant to a franchise agreement, is responsible for selling, servicing and otherwise representing the products of a manufacturer or distributor.

4. Notwithstanding the provisions of this section, if a manufacturer is purchased by another manufacturer or entity, a dealer must be offered a franchise agreement that is substantially similar to the franchise agreement offered to other dealers of the same line-make vehicles.

5. As used in this section, "line-make vehicles" means those vehicles which are offered for sale, lease or distribution under the same name, trademark, service mark or brand of the manufacturer of the vehicles.

Sec. 8.2. NRS 482.36366 is hereby amended to read as follows:

482.36366 1. Each witness, other than an officer or employee of the State or of a political subdivision of the State or an expert witness, who appears by order of the Director in a hearing pursuant to NRS 482.36311 to 482.36425, inclusive, **and sections 2, 3 and 4 of this act** is entitled to receive for his attendance the same fees allowed by law to witnesses in civil cases. Except as otherwise provided in subsection 2, the amount must be paid by the party at whose request the witness is ordered to appear.

2. The Director may assess other costs against the parties as he deems appropriate. After any hearing on a protest filed pursuant to NRS 482.36352, 482.36354 or 482.36357, if the Director determines that the manufacturer or distributor has failed to establish that there is good cause to terminate, refuse to continue, modify or replace a franchise, or to establish an additional dealership or relocate an existing dealership, the Director shall award to the dealer his attorney's fees and costs.

3. For the purposes of this section, "costs" includes:

(a) Except as otherwise provided in paragraph (b), any applicable cost set forth in NRS 18.005; and

(b) The actual amount of any fees paid by a dealer to an expert witness in connection with the hearing.

Sec. 8.4. NRS 482.3638 is hereby amended to read as follows:

482.3638 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Require a dealer to agree to a release, assignment, novation, waiver or estoppel which purports to relieve any person from liability imposed by this chapter, or require any controversy between a dealer and a manufacturer, distributor or representative to be referred to any person or agency except as set forth in this

chapter if that referral would be binding on the dealer, except that this section does not prevent the parties from mutually agreeing to arbitration pursuant to law.

2. Require a dealer to agree to the jurisdiction, venue or tribunal in which a controversy arising under the provisions of the franchise agreement may or may not be submitted for resolution, or prohibit a dealer from bringing an action in any forum allowed by Nevada law.

3. Require a dealer to agree to a term or condition of a franchise agreement which violates any provision of NRS 482.36311 to 482.36425, inclusive ~~§~~, *and sections 2, 3 and 4 of this act.*

4. Require a dealer to waive a trial by jury in actions involving the manufacturer, distributor or factory branch.

5. Increase prices of new vehicles which the dealer had ordered for private retail consumers before his receipt of the written official notification of a price increase. A sales contract signed by a retail consumer constitutes evidence of each order. Price changes applicable to new models or series of vehicles at the time of the introduction of the new models or series shall not be deemed a price increase. Price changes caused by:

(a) The addition to a vehicle of equipment formerly optional as standard or required equipment pursuant to state or federal law;

(b) Revaluation of the United States dollar in the case of foreign-made vehicles; or

(c) Transportation cost increases,

are not subject to this subsection.

6. Deny the principal owner the opportunity to designate his spouse, a member of his family, a qualified manager, or a trust or other artificial person controlled by any of them as entitled to participate in the ownership of:

(a) The franchised dealership;

(b) A successor franchised dealership for 2 years or a longer reasonable time after the incapacity of the principal owner; or

(c) A successor franchised dealership after the death of the principal in accordance with NRS 482.36396 to 482.36414, inclusive.

7. Modify unilaterally, replace, enter into, relocate, terminate or refuse to renew a franchise in violation of law.

8. Terminate or refuse to approve a transfer of a franchise for a dealership, or honor the right of succession set forth in a franchise agreement or refuse to approve the transfer of a controlling interest in a dealership because the dealer has, before October 1, 1997, established an additional franchise to sell or service another line or make of new vehicles in the same facility as the existing dealership.

9. Prevent a dealer from establishing, on or after October 1, 1997, an additional franchise to sell or service another line or make of new vehicles in the same facility as the existing dealership if the dealer:

(a) Submits a written request for approval of the additional franchise to the manufacturer, distributor or factory branch of the existing dealership;

(b) Complies with the reasonable requirements for approval set forth in the franchise of the existing dealership; and

(c) Obtains the approval of the manufacturer, distributor or factory branch of the existing dealership.

The manufacturer, distributor or factory branch shall notify the dealer in writing of its decision to approve or deny the request within 90 days after receipt of the request. The manufacturer, distributor or factory branch shall not unreasonably withhold its approval. If the request is denied, the material reasons for the denial must be stated. Failure to approve or deny the request, in writing, within 90 days has the effect of approval.

1 **Sec. 8.6.** NRS 482.36423 is hereby amended to read as follows:

2 482.36423 1. Whenever it appears that a person has violated, is violating or
3 is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive,
4 *and sections 2, 3 and 4 of this act*, any person aggrieved thereby may apply to the
5 district court in the county where the defendant resides, or in the county where the
6 violation or threat of violation occurs, for injunctive relief to restrain the person
7 from continuing the violation or threat of violation.

8 2. In addition to any other judicial relief, any dealer or person who assumes
9 the operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive,
10 who is injured in his business or property by reason of a violation of NRS
11 482.36311 to 482.36425, inclusive, *and sections 2, 3 and 4 of this act* may bring an
12 action in the district court in which the dealership is located, and may recover three
13 times the pecuniary loss sustained by him, and the cost of suit, including a
14 reasonable attorney's fee. The amount of pecuniary loss sustained by a dealer,
15 pursuant to subsection 7 of NRS 482.3638, is the fair market value of the franchised
16 dealership at the time of notification of termination, refusal to continue or unilateral
17 modification of a franchise.

18 3. Any artificial person created and existing under the laws of any other state,
19 territory, foreign government or the government of the United States, or any person
20 residing outside the State, who grants a franchise to any dealer in this State may be
21 served with any legal process in any action for injunctive relief or civil damages in
22 the following manner:

23 (a) By delivering a copy of the process to the Director; and

24 (b) By mailing to the last known address of the manufacturer or distributor, by
25 certified mail, return receipt requested, a copy of the summons and a copy of the
26 complaint, together with copies of any petition or order for injunctive relief.

27 4. The defendant has 30 days, exclusive of the day of service, within which to
28 answer or plead.

29 5. The method of service provided in this section is cumulative and may be
30 utilized with, after or independently of all other methods of service.

31 **Sec. 8.8.** NRS 482.36425 is hereby amended to read as follows:

32 482.36425 1. Any manufacturer or distributor who willfully violates any
33 provision of NRS 482.36311 to 482.36425, inclusive, *and sections 2, 3 and 4 of*
34 *this act* is subject to a civil penalty of not less than \$50 nor more than \$1,000 for
35 each day of violation and for each act of violation. All civil penalties recovered
36 must be paid to the State of Nevada.

37 2. Whenever it appears that a manufacturer or distributor has violated, is
38 violating or is threatening to violate any provision of NRS 482.36311 to 482.36425,
39 inclusive, *and sections 2, 3 and 4 of this act*, the Attorney General may institute a
40 civil suit in any district court of this State for injunctive relief to restrain the
41 violation or threat of violation or, if the violation or threat is willful, for the
42 assessment and recovery of the civil penalty, or both.

43 **Sec. 9.** (Deleted by amendment.)

44 **Sec. 10.** (Deleted by amendment.)

45 **Sec. 11.** (Deleted by amendment.)

46 **Sec. 12.** (Deleted by amendment.)

47 **Sec. 13.** NRS 97.299 is hereby amended to read as follows:

48 97.299 1. The Commissioner of Financial Institutions shall prescribe, by
49 regulation, forms for the application for credit and contracts to be used in the sale of
50 vehicles if:

51 (a) The sale involves the taking of a security interest to secure all or a part of
52 the purchase price of the vehicle;

53 (b) The application for credit is made to or through the seller of the vehicle;

- (c) The seller is a dealer; and
(d) The sale is not a commercial transaction.
2. The forms prescribed pursuant to subsection 1 must meet the requirements of NRS 97.165, must be accepted and acted upon by any lender to whom the application for credit is made and, in addition to the information required in NRS 97.185 and required to be disclosed in such a transaction by federal law, must:
- (a) Identify and itemize the items embodied in the cash sale price, including the amount charged for a contract to service the vehicle after it is purchased.
(b) In specifying the amount of the buyer's down payment, identify the amounts paid in money and allowed for property given in trade and the amount of any manufacturer's rebate applied to the down payment.
(c) Contain a description of any property given in trade as part of the down payment.
(d) Contain a description of the method for calculating the unearned portion of the finance charge upon prepayment in full of the unpaid total of payments as prescribed in NRS 97.225.
(e) *Contain a provision which provides that if the seller elects to rescind the contract as a result of being unable to assign the contract to a financial institution with whom the seller regularly does business, the seller must provide written notice to the buyer not ~~less~~ more than 20 days after the date of the contract.*
(f) Include the following notice in at least 10-point bold type:

NOTICE TO BUYER

Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If you pay the amount due before the scheduled date of maturity of the indebtedness and you are not in default in the terms of the contract for more than 2 months, you are entitled to a refund of the unearned portion of the finance charge. If you fail to perform your obligations under this agreement, the vehicle may be repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.

3. The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribed pursuant to subsection 1.

4. If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.

5. As used in this section:

(a) "Commercial transaction" means any sale of a vehicle to a buyer who purchases the vehicle solely or primarily for commercial use or resale.

(b) "Dealer" has the meaning ascribed to it in NRS 482.020.

Sec. 14. Section 5 of this act is hereby amended to read as follows:

Sec. 5. 1. A person shall not engage in the activity of an agent for a broker, or act in the capacity of an agent in this State without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of an agent, the Department shall require the applicant to submit to the Department:

(a) An application, signed and verified by the applicant, stating:

(1) That the applicant is to engage in the activity of an agent;

(2) The name ~~and~~ *and* residence address ~~and social security number~~ of the applicant; and

1 (3) The name and address of the employer of the applicant.

2 (b) Proof of the employment of the applicant by a broker at the time the
3 application is filed.

4 (c) A statement as to whether any previous application of the applicant
5 has been denied or any previous license of the applicant has been revoked.

6 (d) Payment of a nonrefundable license fee of \$75. The license expires
7 on December 31 of each calendar year and may be renewed annually upon
8 the payment of a fee of \$40.

9 (e) For initial licensure, a complete set of his fingerprints and written
10 permission authorizing the Department to forward those fingerprints to the
11 Central Repository for Nevada Records of Criminal History for submission
12 to the Federal Bureau of Investigation for its report.

13 (f) Any other information the Department determines necessary.

14 2. The Department may issue a 60-day temporary permit to an
15 applicant who has submitted a complete application and paid the required
16 fee.

17 3. A license to act as an agent of a broker issued pursuant to this
18 section does not authorize a person to engage in the business of selling
19 mobile homes.

20 4. The Department may deny an application for a license as an agent
21 or suspend or revoke a license issued pursuant to this section upon any of
22 the following grounds:

23 (a) Failure of the applicant to establish by proof satisfactory to the
24 Department that he is employed by a broker.

25 (b) Conviction of a felony.

26 (c) Conviction of a gross misdemeanor.

27 (d) Conviction of a misdemeanor for a violation of any of the
28 provisions of this chapter.

29 (e) Falsification of the application.

30 (f) Evidence of unfitness as described in NRS 482.3255.

31 (g) Failure of the applicant to provide any information determined
32 necessary by the Department to process the application.

33 (h) Any reason determined by the Director to be in the best interests of
34 the public.

35 5. An agent shall not engage in any activity, or act in any other
36 capacity as an agent other than for the account of, or for and on behalf of, a
37 single employer, at a specified place of business of that employer, who
38 must be a broker.

39 6. If an application for a license as an agent is denied, the applicant
40 may reapply for a license not less than 6 months after the denial.

41 7. An agent's license must be posted in a conspicuous place on the
42 premises of the broker by whom the agent is employed.

43 8. If an agent ceases to be employed by a broker, his license to act as
44 an agent is automatically suspended and his right to act as an agent
45 immediately ceases, and he shall not engage in the activity of an agent until
46 he has:

47 (a) Paid the Department a transfer fee of \$20 and submitted a certificate
48 of employment indicating that he has been reemployed by a broker; and

49 (b) Presented a current temporary permit or new license to the broker
50 by whom he is employed.

51 9. If an agent changes his residential address, he shall submit a written
52 notice of the change to the Department within 10 days after the change
53 occurs.

10. If a person who holds a temporary permit to act as an agent ceases to be employed by a broker, his permit to act as an agent is automatically suspended, his right to act as an agent immediately ceases and his application for licensure must be denied until he has:

(a) Paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating that he has been reemployed by a broker; and

(b) Presented a current temporary permit or new license to the broker by whom he is employed.

11. A broker who employs an agent shall notify the Department of the termination of employment of the agent not later than 10 days after the date of termination by forwarding the license of the agent to the Department.

12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

13. As used in this section, "agent" means a person who is employed by a broker and who, for a fee or any other consideration, assists the broker in offering to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered or for which an ownership interest has not been taken by the broker.

Sec. 15. 1. This section and sections 1 to 4, inclusive, and 7.5 to 13, inclusive, of this act become effective upon passage and approval.

2. Sections 5, 6 and 7 of this act become effective on July 1, 2010.

3. Section 5 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 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 of the support of one or more children, are repealed by the Congress of the United States.

4. Section 14 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 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.