

ASSEMBLY BILL NO. 176—ASSEMBLYMEN CARRILLO,
EISEN; HANSEN AND MUNFORD

FEBRUARY 27, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the emissions testing of certain consigned vehicles. (BDR 40-964)

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 the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires certain sellers or long-term lessors of a used vehicle to
2 provide the buyer or long-term lessee of the vehicle with evidence of compliance
3 certifying that the vehicle is equipped with devices for the control of pollution from
4 motor vehicles and complies with the requirements of the State Environmental
5 Commission. (NRS 445B.800) **Section 6** of this bill exempts a consignee from that
6 requirement for any motor vehicle sold at a consignment auction if the consignee:
7 (1) informs the buyer that the buyer will be responsible for obtaining an emissions
8 inspection or testing before the buyer may register the vehicle; (2) posts a notice at
9 the site of the auction stating that the consignee is exempt from the requirement to
10 obtain an emissions inspection or testing of any vehicle sold by consignment
11 auction and includes a similar notice in any publication that lists the vehicles
12 available at a consignment auction or solicits persons to bid at a consignment
13 auction; and (3) makes the vehicle available for inspection before the auction.



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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. *"Consignee" has the meaning ascribed to it in NRS 482.31772.*

Sec. 3. *"Consignment auction" means any transaction whereby the registered owner or lienholder of a vehicle, or an insurance company that has acquired a vehicle as part of a total loss settlement, agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell or attempt to sell the interest of the registered owner, lienholder or insurance company in the vehicle at an auction that meets the requirements set forth in section 3.5 of this act.*

Sec. 3.5. 1. *To qualify as a consignment auction for the purposes of subsection 4 of NRS 445B.805, an event must be:*

(a) A live auction with an auctioneer verbally calling for and accepting bids; or

(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:

(1) A vehicle dealer licensed pursuant to NRS 482.325; or

(2) A salvage pool licensed pursuant to NRS 487.410.

2. *A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:*

(a) Applying to the Department of Motor Vehicles;

(b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;

(c) Providing evidence satisfactory to the Department that at least 51 percent of the vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:

(1) A live auction with an auctioneer verbally calling for and accepting bids; or

(2) An auction conducted on an auction website on the Internet by the person; and

(d) Providing any other information or documentation required by the Department.

3. *The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.*



* A B 1 7 6 R 2 *

1 **Sec. 4.** NRS 445B.700 is hereby amended to read as follows:
2 445B.700 As used in NRS 445B.700 to 445B.845, inclusive,
3 *and sections 2, 3 and 3.5 of this act*, unless the context otherwise
4 requires, the words and terms defined in NRS 445B.705 to
5 445B.758, inclusive, *and sections 2 and 3 of this act* have the
6 meanings ascribed to them in those sections.

7 **Sec. 5.** NRS 445B.759 is hereby amended to read as follows:
8 445B.759 1. The provisions of NRS 445B.700 to 445B.845,
9 inclusive, *and sections 2, 3 and 3.5 of this act* do not apply to:

- 10 (a) Military tactical vehicles; or
11 (b) Replica vehicles.

12 2. As used in this section:

- 13 (a) "Military tactical vehicle" means a motor vehicle that is:

14 (1) Owned or controlled by the United States Department of
15 Defense or by a branch of the Armed Forces of the United States;
16 and

17 (2) Used in combat, combat support, combat service support,
18 tactical or relief operations, or training for such operations.

19 (b) "Replica vehicle" means any passenger car or light-duty
20 motor vehicle which:

21 (1) Has a body manufactured after 1968 which is made to
22 resemble a vehicle of a model manufactured before 1968;

23 (2) Has been altered from the original design of the
24 manufacturer or has a body constructed from materials which are
25 not original to the vehicle;

26 (3) Is maintained solely for occasional transportation,
27 including exhibitions, club activities, parades, tours or other similar
28 uses; and

29 (4) Is not used for daily transportation.

30 ➔ The term does not include a vehicle which has been restored to its
31 original design by replacing parts.

32 **Sec. 6.** NRS 445B.805 is hereby amended to read as follows:

33 445B.805 The provisions of NRS 445B.800 do not apply to:

34 1. Transfer of registration or ownership between:

35 (a) Husband and wife; or

36 (b) Companies whose principal business is leasing of vehicles, if
37 there is no change in the lessee or operator of the vehicle.

38 2. Motor vehicles which are subject to prorated registration
39 pursuant to the provisions of NRS 706.801 to 706.861, inclusive,
40 and which are not based in this State.

41 3. Transfer of registration if evidence of compliance was issued
42 within 90 days before the transfer.

43 **4. A consignee who is conducting a consignment auction**
44 *which meets the requirements set forth in section 3.5 of this act if*
45 *the consignee:*



1 (a) *Informs the buyer, using a form, including, without*
2 *limitation, an electronic form, if applicable, as approved by the*
3 *Department of Motor Vehicles, that the consignee is not required*
4 *to obtain an inspection or testing of the motor vehicle pursuant to*
5 *the regulations adopted by the Commission under NRS 445B.770*
6 *and that any such inspection or testing that is required must be*
7 *obtained by the buyer before the buyer registers the motor vehicle;*

8 (b) *Posts a notice in a conspicuous location at the site of the*
9 *consignment auction or, if applicable, on the Internet website on*
10 *which the consignment auction is conducted, and includes a*
11 *notice in any document published by the consignee that lists the*
12 *vehicles available for the consignment auction or solicits persons*
13 *to bid at the consignment auction, stating that the consignee is*
14 *exempt from any requirement to obtain an inspection or testing of*
15 *a motor vehicle pursuant to the regulations adopted by the*
16 *Commission under NRS 445B.770 if the motor vehicle is sold at*
17 *the consignment auction; and*

18 (c) *Makes the vehicle available for inspection before the*
19 *consignment auction;*

20 (1) *In the case of a live auction with an auctioneer verbally*
21 *calling for and accepting bids, at the location of the consignment*
22 *auction; or*

23 (2) *In the case of an auction that is conducted on an*
24 *auction website on the Internet by a consignee who is certified*
25 *pursuant to subsection 2 of section 3.5 of this act, at the primary*
26 *place of business of the consignee conducting the consignment*
27 *auction.*

28 **Sec. 7.** NRS 445B.840 is hereby amended to read as follows:

29 445B.840 It is unlawful for any person to:

- 30 1. Possess any unauthorized evidence of compliance;
- 31 2. Make, issue or use any imitation or counterfeit evidence of
- 32 compliance;
- 33 3. Willfully and knowingly fail to comply with the provisions
- 34 of NRS 445B.700 to 445B.815, inclusive, *and sections 2, 3 and 3.5*
- 35 *of this act* or any regulation adopted by the Department of Motor
- 36 Vehicles; or
- 37 4. Issue evidence of compliance if he or she is not a licensed
- 38 inspector of an authorized inspection station, authorized station or
- 39 fleet station.

40 **Sec. 8.** NRS 445B.845 is hereby amended to read as follows:

41 445B.845 1. A violation of any provision of NRS 445B.700
42 to 445B.845, inclusive, *and sections 2, 3 and 3.5 of this act* relating
43 to motor vehicles, or any regulation adopted pursuant thereto
44 relating to motor vehicles, is a misdemeanor. The provisions of NRS
45 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 3.5 of this*



1 *act*, or any regulation adopted pursuant thereto, must be enforced by
2 any peace officer.

3 2. Satisfactory evidence that the motor vehicle or its equipment
4 conforms to those provisions or regulations, when supplied by the
5 owner of the motor vehicle to the Department of Motor Vehicles
6 within 10 days after the issuance of a citation pursuant to subsection
7 1, may be accepted by the court as a complete or partial mitigation
8 of the offense.

9 **Sec. 9.** This act becomes effective upon passage and approval.

