

Amendment No. 796

Assembly Amendment to Assembly Bill No. 454

(BDR 43-1161)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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 underlining* is newly added transitory language.

DPR/WLK



Date: 5/21/2013

A.B. No. 454—Requires that certain information be transmitted electronically to the Department of Motor Vehicles. (BDR 43-1161)



ASSEMBLY BILL NO. 454—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Transportation

SUMMARY—Requires that certain information be transmitted electronically to the Department of Motor Vehicles. (BDR 43-1161)

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 Department of Motor Vehicles; requiring certain sellers, lessors, dealers and rebuilders of vehicles to transmit certain information to the Department in an electronic format; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, in relevant part, requires sellers of new vehicles, long-term lessors of new vehicles, sellers of used or rebuilt vehicles, and long-term lessors of used or rebuilt vehicles, upon such sale or lease, to furnish certain information to the Department of Motor Vehicles and the buyer or lessee, as applicable. (NRS 482.423-482.4245) **Sections 1-4** of this bill require such sellers and lessors to furnish the necessary information to the Department by way of electronic transmission. Under existing law, it is a gross misdemeanor for a person to commit certain fraudulent acts with respect to certain documents or security interests in vehicles, or to fail to submit certain reports to the Department within a prescribed time period. **(NRS 482.436) Section 5** of this bill removes the original of a seller's or lessor's report of sale or lease from the list of documents for which it is a crime to fail to submit the document to the Department within a certain time period.

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

Section 1. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this State for the first time, the seller shall complete and ~~execute~~ *submit to the Department* a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a dealer who is licensed to sell the vehicle, *transmit electronically to the Department* a dealer's report of sale. The dealer's report of sale must be *transmitted electronically to the Department* in ~~a form prescribed~~ *the manner required* by the Department and must include:

(a) A description of the vehicle;

- (b) The name and address of the seller; and
(c) The name and address of the buyer.
2. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his or her assignee must be ~~entered on~~ **included in** the dealer's report of sale and on the manufacturer's certificate or statement of origin.
3. Unless an extension of time is granted by the Department, the seller shall:
- (a) Collect the fees set forth in NRS 482.429 for:
- (1) A certificate of title for a vehicle registered in this State; and
(2) The processing of the dealer's report of sale; and
(b) Within 20 days after the ~~execution~~ **electronic transmission to the Department** of the dealer's report of sale:
- (1) Submit to the Department the ~~original of the dealer's report of sale and the~~ manufacturer's certificate or statement of origin; and
(2) Remit to the Department the fees collected pursuant to paragraph (a).
4. Upon entering into a contract or other written agreement for the sale of a new vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:
- (a) Be in a form prescribed by the Department;
(b) Be made of a material appropriate for use on the exterior of a vehicle;
(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
(d) Include the date of its expiration.
5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to purchase or the contract of sale, whichever occurs first. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.
6. For the purposes of establishing compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date ~~imprinted or otherwise indicated~~ on **which** the dealer's report of sale **was transmitted electronically to the Department** as the beginning date of the 20-day period.
7. Upon execution of all the documents necessary to complete the sale of a vehicle, including, without limitation, the financial documents, the dealer shall ~~execute~~ **complete** the dealer's report of sale and furnish a copy of the ~~report~~ **information included therein** to the buyer not less than 10 days before the expiration of the temporary placard.
8. The provisions of this section do not apply to kit trailers.
- Sec. 2.** NRS 482.4235 is hereby amended to read as follows:
482.4235 1. If a new vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and ~~execute~~ **submit to the Department** a manufacturer's certificate of origin or a manufacturer's statement of origin, and **transmit electronically to the Department** a long-term lessor's report of lease. Such a report must be **transmitted electronically to the Department** in ~~a form prescribed~~ **the manner required** by the Department and must include:
- (a) A description of the vehicle; and
(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 20 days after the ~~execution~~ *electronic transmission to the Department* of the long-term lessor's report of lease:

(a) Submit to the Department the ~~original of the long-term lessor's report of lease and the~~ manufacturer's certificate of origin or manufacturer's statement of origin; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease or written agreement to lease for a new vehicle, the long-term lessor shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to lease or the lease, whichever occurs first. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. For the purposes of establishing compliance with the period required by subsection 2, the Department shall use the date ~~imprinted or otherwise indicated~~ on *which* the long-term lessor's report of lease *was transmitted electronically to the Department* as the beginning date of the 20-day period.

6. Upon executing all the documents necessary to complete the lease of the vehicle, including, without limitation, the financial documents, the long-term lessor shall ~~execute~~ *complete* the long-term lessor's report of lease and furnish a copy of the ~~report~~ *information included therein* to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 3. NRS 482.424 is hereby amended to read as follows:

482.424 1. When a used or rebuilt vehicle is sold in this State to any person, except a licensed dealer, by a dealer, rebuilder, long-term lessor or short-term lessor, the seller shall complete and ~~execute~~ *submit to the Department* a dealer's or rebuilder's report of sale. The dealer's or rebuilder's report of sale must be *transmitted electronically to the Department* in ~~a form prescribed~~ *the manner required* by the Department and must include:

(a) A description of the vehicle, including whether it is a rebuilt vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party must be ~~entered on~~ *included in* the dealer's or rebuilder's report of sale.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

(1) A certificate of title for a vehicle registered in this State; and

(2) The processing of the dealer's or rebuilder's report of sale; and

(b) Within 30 days after the ~~execution~~ *electronic transmission to the Department* of the dealer's or rebuilder's report of sale:

(1) Submit to the Department the ~~original of the dealer's or rebuilder's report of sale and the~~ properly endorsed certificate of title previously issued for the vehicle; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract or other written agreement for the sale of a used or rebuilt vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for not more than 30 days after the execution of a written agreement to purchase or the contract of sale, whichever occurs first. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. To establish compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date ~~imprinted or otherwise indicated~~ on *which* the dealer's or rebuilder's report of sale *was transmitted electronically to the Department* as the beginning date of the 30-day period.

7. Upon executing all the documents necessary to complete the sale of the vehicle, including, without limitation, the financial documents, the seller shall ~~execute~~ *complete* the dealer's or rebuilder's report of sale and furnish a copy of the ~~report~~ *information included therein* to the buyer not less than 10 days before the expiration of the temporary placard.

Sec. 4. NRS 482.4245 is hereby amended to read as follows:

482.4245 1. If a used or rebuilt vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and ~~execute~~ *submit to the Department* a long-term lessor's report of lease. Such a report must be *transmitted electronically to the Department* in ~~a form prescribed~~ *the manner required* by the Department and must include:

(a) A description of the vehicle;

(b) An indication as to whether the vehicle is a rebuilt vehicle; and

(c) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 30 days after the ~~execution~~ *electronic transmission to the Department* of the long-term lessor's report of lease:

(a) Submit to the Department the ~~original of the long-term lessor's report of lease and the~~ properly endorsed certificate of title previously issued for the vehicle; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease or written agreement to lease for a used or rebuilt vehicle, the long-term lessor shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to lease or the lease, whichever comes first. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. To establish compliance with the period required by subsection 2, the Department shall use the date ~~imprinted or otherwise indicated~~ on *which* the long-term lessor's report of lease *was transmitted electronically to the Department* as the beginning date of the 30-day period.

6. Upon executing all the documents necessary to complete the lease of the vehicle, including, without limitation, the financial documents, the long-term lessor shall ~~execute~~ *complete* the long-term lessor's report of lease and furnish a copy of the ~~report~~ *information included therein* to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 5. NRS 482.436 is hereby amended to read as follows:

482.436 Any person is guilty of a gross misdemeanor who knowingly:

1. Makes or causes to be made any false entry on any certificate of origin or certificate of title;

2. Furnishes or causes to be furnished false information to the Department concerning any security interest; or

3. Fails to submit or causes to not be submitted the ~~for original of the dealer's or long-term lessor's report of sale or lease, together with the~~ certificate of title or certificate of ownership issued for a used vehicle to the Department within the time prescribed in subsection 3 of NRS 482.424 or, if a leased vehicle, subsection 2 of NRS 482.4235.

Sec. 6. This act becomes effective on July 1, ~~2013~~ 2014.