

ASSEMBLY BILL NO. 256—ASSEMBLYMAN CARRILLO

MARCH 11, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the privacy of certain information of a customer of a garage operator. (BDR 43-802)

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: Yes.

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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 automotive repairs; prohibiting a garage operator from selling or transferring, without the consent of the customer, certain personal and vehicular information of the customer to another person for the purpose of marketing extended vehicle warranties; revising the provisions of the Nevada Automotive Repair Customer Bill of Rights; providing civil and criminal penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law establishes the Nevada Automotive Repair Customer Bill of  
2 Rights which sets forth certain rights of a person who is a customer of a garage that  
3 is registered in this State. (NRS 487.6871) **Section 1** of this bill prohibits a garage  
4 operator from transferring or selling the personal or vehicular information of a  
5 customer to a third party for the purposes of marketing extended vehicle warranties,  
6 without the written consent of the customer. **Section 6** of this bill revises the  
7 provisions of the Nevada Automotive Repair Customer Bill of Rights relating to  
8 garage operators, to add a provision informing customers of the right to be notified  
9 if their personal or vehicular information may be sold or transferred to a third party  
10 for the purpose of marketing extended vehicle warranties, and the right to refuse  
11 consent to such sale or transfer.



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 a new section to read as follows:

*1. A garage operator shall not sell or transfer the personal or vehicular information of a customer to any other person, including, without limitation, a parent company, franchisor or affiliate of the garage operator, who the garage operator knows, or reasonably should know, will use such information for the purpose of marketing extended vehicle warranties or who will resell or retransfer such information to a person who will use such information for the purpose of marketing extended vehicle warranties unless the garage operator first:*

*(a) Discloses to the customer, on a form prescribed by the Department, that the personal or vehicular information of the customer may be sold or transferred to a third party who may use the information for the purposes of marketing extended vehicle warranties; and*

*(b) Receives written consent from the customer for the sale or transfer of his or her personal or vehicular information.*

*2. A garage operator shall not refuse service to a customer or charge a customer an additional charge or fee based on the refusal of the customer to provide the written consent required by paragraph (b) of subsection 1.*

*3. As used in this section, "personal or vehicular information" means information that reveals the identity of a person or a motor vehicle owned or leased by a person, including, without limitation, the name, address, telephone number, social security number, driver's license number or identification card number of the person or the vehicle identification number, license plate number, mileage, year of manufacture or make and model of a vehicle owned by that person.*

**Sec. 2.** NRS 487.530 is hereby amended to read as follows:

487.530 As used in NRS 487.530 to 487.690, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 487.532 to 487.553, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 487.555 is hereby amended to read as follows:

487.555 The provisions of NRS 487.530 to 487.690, inclusive, *and section 1 of this act* do not apply to 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.



1     **Sec. 4.** NRS 487.600 is hereby amended to read as follows:  
2     487.600 As used in NRS 487.600 to 487.687, inclusive, *and*  
3     *section 1 of this act*, unless the context otherwise requires, the  
4     words and terms defined in NRS 487.604, 487.606 and 487.608  
5     have the meanings ascribed to them in those sections.

6     **Sec. 5.** NRS 487.650 is hereby amended to read as follows:  
7     487.650 1. The Department may refuse to issue a license or  
8     may suspend, revoke or refuse to renew a license to operate a body  
9     shop upon any of the following grounds:

10    (a) Failure of the applicant or licensee to have or maintain an  
11    established place of business in this State.

12    (b) Conviction of the applicant or licensee or an employee of the  
13    applicant or licensee of a felony, or of a misdemeanor or gross  
14    misdemeanor for a violation of a provision of this chapter.

15    (c) Any material misstatement in the application for the license.

16    (d) Willful failure of the applicant or licensee to comply with the  
17    motor vehicle laws of this State and NRS 487.530 to 487.690,  
18    inclusive ~~H~~, *and section 1 of this act*.

19    (e) Failure or refusal by the licensee to pay or otherwise  
20    discharge any final judgment against the licensee arising out of the  
21    operation of the body shop.

22    (f) Failure or refusal to provide to the Department an  
23    authorization for the disclosure of financial records for the business  
24    as required pursuant to subsection 2.

25    (g) A finding of guilty or guilty but mentally ill by a court of  
26    competent jurisdiction in a case involving a fraudulent inspection,  
27    purchase, sale or transfer of a salvage vehicle by the applicant or  
28    licensee or an employee of the applicant or licensee.

29    (h) An improper, careless or negligent inspection of a salvage  
30    vehicle pursuant to NRS 487.800 by the applicant or licensee or an  
31    employee of the applicant or licensee.

32    (i) A false statement of material fact in a certification of a  
33    salvage vehicle pursuant to NRS 487.800 or a record regarding a  
34    salvage vehicle by the applicant or licensee or an employee of the  
35    applicant or licensee.

36    (j) The display of evidence of unfitness for a license pursuant to  
37    NRS 487.165.

38    2. Upon the receipt of any report or complaint alleging that an  
39    applicant or a licensee has engaged in financial misconduct or has  
40    failed to satisfy financial obligations related to the operation of a  
41    body shop, the Department may require the applicant or licensee to  
42    submit to the Department an authorization for the disclosure of  
43    financial records for the business as provided in NRS 239A.090.  
44    The Department may use any information obtained pursuant to such  
45    an authorization only to determine the suitability of the applicant or



licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.600 to 487.687, inclusive, *and section 1 of this act* or to determine the suitability of an applicant or a licensee for licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

**Sec. 6.** NRS 487.6871 is hereby amended to read as follows:  
487.6871 1. Each garage operator shall display conspicuously in those areas of his or her place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE  
DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER  
BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

**YOU** have the right to receive repairs from a business that is **REGISTERED** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

**YOU** have the right to receive a **WRITTEN ESTIMATE** of charges for repairs made to your vehicle which exceed \$50. (NRS 487.6875)

**YOU** have the right to read and understand all documents and warranties **BEFORE YOU SIGN THEM.** (NRS 487.6871)

**YOU** have the right to **INSPECT ALL REPLACED PARTS** and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

**YOU** have the right to request that all replaced parts and accessories that are not covered by a warranty **BE**



\* A B 2 5 6 \*

**RETURNED TO YOU AT THE TIME OF SERVICE.**  
(NRS 487.6883)

**YOU** have the right to require authorization **BEFORE** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 487.6877)

**YOU** have the right to receive a **COMPLETED STATEMENT OF CHARGES** for repairs made to your vehicle. (NRS 487.6893)

***YOU have the right to be notified if your PERSONAL OR VEHICULAR INFORMATION may be sold or transferred to a third party for the purpose of marketing extended vehicle warranties and the right to refuse to consent to the sale or transfer of such information. (Section 1 of this act)***

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

2. Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

LICENSED BODY SHOP

THIS BODY SHOP IS LICENSED BY THE  
DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER  
BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

**YOU** have the right to receive repairs from a business that is **LICENSED** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

**YOU** have the right to receive a **WRITTEN ESTIMATE** of charges for repairs made to your vehicle which exceed \$50



1 and, if any, the rate of and circumstances under which you  
2 will be charged more than \$50 for the storage of your vehicle.  
3 (NRS 487.6875)

4  
5 **YOU** have the right to read and understand all documents and  
6 warranties **BEFORE YOU SIGN THEM.** (NRS 487.6871)

7  
8 **YOU** have the right to **INSPECT ALL REPLACED**  
9 **PARTS** and accessories that are covered by a warranty and  
10 for which a charge is made. (NRS 487.6883)

11  
12 **YOU** have the right to request that all replaced parts and  
13 accessories that are not covered by a warranty **BE**  
14 **RETURNED TO YOU AT THE TIME OF SERVICE.**  
15 (NRS 487.6883)

16  
17 **YOU** have the right to require authorization **BEFORE** any  
18 additional repairs are made to your vehicle if the charges for  
19 those repairs exceed 20% of the original estimate or \$100,  
20 whichever is less. (NRS 487.6877)

21  
22 **YOU** have the right to receive a **COMPLETED**  
23 **STATEMENT OF CHARGES** for repairs made to your  
24 vehicle and for storage of your vehicle, if applicable.  
25 (NRS 487.6893)

26  
27 FOR MORE INFORMATION PLEASE CONTACT:

28  
29 THE DEPARTMENT OF MOTOR VEHICLES

30  
31 3. The sign required pursuant to the provisions of subsection 1  
32 or 2 must include a replica of the Great Seal of the State of Nevada.  
33 The Seal must be 2 inches in diameter and be centered on the face of  
34 the sign directly above the words "STATE OF NEVADA."

35 4. The sign required pursuant to the provisions of subsection 1  
36 or 2 must also include the words "The Compliance Enforcement  
37 Division of the Department of Motor Vehicles can be reached at,"  
38 followed by the Internet address of the Compliance Enforcement  
39 Division and the telephone number of the nearest office of the  
40 Compliance Enforcement Division.

41 5. Any person who violates the provisions of this section is  
42 guilty of a misdemeanor.

43 **Sec. 7.** NRS 487.6873 is hereby amended to read as follows:

44 487.6873 Whenever any body shop or garage operator accepts  
45 or assumes control of a motor vehicle for the purpose of making or



1 completing any repair, the body shop or garage operator shall  
2 comply with the provisions of NRS 487.68701, 487.68703 and  
3 487.6873 to 487.6893, inclusive **H**, and *section 1 of this act*.

4 **Sec. 8.** NRS 487.6885 is hereby amended to read as follows:

5 487.6885 The body shop or garage operator shall retain copies  
6 of any estimate, statement , *consent* or waiver required by NRS  
7 487.6875 to 487.6893, inclusive, *and section 1 of this act* as an  
8 ordinary business record of the body shop or garage, for a period of  
9 not less than 1 year after the date the estimate, statement , *consent*  
10 or waiver is signed.

11 **Sec. 9.** NRS 487.6887 is hereby amended to read as follows:

12 487.6887 In every instance where charges are made for the  
13 repair of a motor vehicle by a garage operator, the garage operator  
14 making the repairs shall comply with the provisions of NRS  
15 487.6875 to 487.6893, inclusive **H** , and *section 1 of this act*. A  
16 garage operator is not entitled to detain a motor vehicle by virtue of  
17 any common law or statutory lien, or otherwise enforce such a lien,  
18 or to sue on any contract for repairs made by the garage operator  
19 unless he or she has complied with the requirements of NRS  
20 487.6875 to 487.6893, inclusive **H** , and *section 1 of this act*.

21 **Sec. 10.** NRS 487.689 is hereby amended to read as follows:

22 487.689 1. The Director may request an undercover  
23 investigation of a person who is allegedly engaging in a deceptive  
24 trade practice or violating the provisions of NRS 487.6871 to  
25 487.6897, inclusive **H** , and *section 1 of this act*.

26 2. The Bureau of Consumer Protection in the Office of the  
27 Attorney General may conduct an undercover investigation of a  
28 person who is allegedly engaging in a deceptive trade practice or  
29 violating the provisions of NRS 487.6871 to 487.6897, inclusive,  
30 *and section 1 of this act* on its own motion or upon a request  
31 received pursuant to subsection 1. Nothing in this subsection  
32 requires the Bureau to conduct an undercover investigation.

33 **Sec. 11.** NRS 487.6895 is hereby amended to read as follows:

34 487.6895 The Attorney General or any district attorney may  
35 bring an action in any court of competent jurisdiction in the name of  
36 the State of Nevada on the complaint of the Director, or of any  
37 person allegedly aggrieved by a violation of the provisions of NRS  
38 487.68701, 487.68703 and 487.6874 to 487.6893, inclusive, *and*  
39 *section 1 of this act* to enjoin any violation of the provisions of NRS  
40 487.68701, 487.68703 and 487.6874 to 487.6893, inclusive **H** , and  
41 *section 1 of this act*.

42 **Sec. 12.** NRS 487.6897 is hereby amended to read as follows:

43 487.6897 Any person who knowingly violates any provision of  
44 NRS 487.68701, 487.68703 and 487.6873 to 487.6893, inclusive,  
45 *and section 1 of this act* is liable, in addition to any other penalty or



1 remedy which may be provided by law, to a civil penalty of not  
2 more than \$500 for each offense, which may be recovered by civil  
3 action on complaint of the Director or the district attorney.

4 **Sec. 13.** NRS 487.690 is hereby amended to read as follows:

5 487.690 Any person who violates any of the provisions of NRS  
6 487.530 to 487.690, inclusive, *and section 1 of this act* is guilty of a  
7 misdemeanor.

8 **Sec. 14.** This act becomes effective on July 1, 2015.

