

## Amendment No. 18

Assembly Amendment to Assembly Bill No. 37

(BDR 40-379)

**Proposed by:** Assembly Committee on Natural Resources, Agriculture, and Mining

**Amends:** Summary: No Title: Yes 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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

JWP/MSN



Date: 3/25/2015

A.B. No. 37—Revises provisions governing consignment auctions of motor vehicles. (BDR 40-379)



ASSEMBLY BILL NO. 37—COMMITTEE ON NATURAL  
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Revises provisions governing consignment auctions of motor vehicles. (BDR 40-379)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for a  
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 air pollution; revising provisions relating to the sale of a motor vehicle at a consignment auction; ~~limiting the number of such auctions that may be conducted by a consignee;~~ providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally requires that a seller of a used motor vehicle provide the buyer of the vehicle with evidence that the vehicle complies with certain emissions standards for the purpose of registering the vehicle with the Department of Motor Vehicles. (NRS 445B.800) Existing law exempts from this requirement a consignee who is authorized to sell vehicles at a qualifying consignment auction if the vehicle is sold on behalf of a registered owner, lienholder or insurance company and the consignee, at the time of the auction, complies with certain notice requirements. (NRS 445B.728, 445B.805, 445B.807) **Sections 2-12** of this bill provide that, for the purpose of entrusting or authorizing a consignee to sell or display for sale a motor vehicle at such an auction, the registered owner or lienholder may not be an automobile wrecker, body shop, distributor, manufacturer, rebuilder, salvage pool, vehicle dealer or garage. ~~Section 15 of this bill prohibits a consignee from conducting more than two such auctions during any period of 12 consecutive months.~~

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 to 12, inclusive, of this act.

**Sec. 2.** *“Automobile wrecker” has the meaning ascribed to it in NRS 487.047.*

1       Sec. 3. *“Body shop” has the meaning ascribed to it in NRS 487.532.*

2       Sec. 4. *“Distributor” has the meaning ascribed to it in NRS 482.028.*

3       Sec. 5. *“Garage” has the meaning ascribed to it in NRS 487.540.*

4       Sec. 6. *“Licensee” means any automobile wrecker, body shop, distributor,*  
5 *manufacturer, rebuilder, salvage pool or vehicle dealer licensed by the*  
6 *Department, or any garage registered with the Department.*

7       Sec. 7. *“Lienholder” means any person, other than a licensee, who holds a*  
8 *lien on a motor vehicle.*

9       Sec. 8. *“Manufacturer” has the meaning ascribed to it in NRS 482.060.*

10      Sec. 9. *“Rebuilder” has the meaning ascribed to it in NRS 482.097.*

11      Sec. 10. *“Registered owner” means any person, other than a licensee,*  
12 *whose name appears in the records of the Department as the person to whom a*  
13 *vehicle is registered.*

14      Sec. 11. *“Salvage pool” has the meaning ascribed to it in NRS 487.400.*

15      Sec. 12. *“Vehicle dealer” has the meaning ascribed to it in NRS 482.020.*

16      Sec. 13. NRS 445B.700 is hereby amended to read as follows:

17      445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and sections 2*  
18 *to 12, inclusive, of this act*, unless the context otherwise requires, the words and  
19 terms defined in NRS 445B.705 to 445B.758, inclusive, *and sections 2 to 12,*  
20 *inclusive, of this act* have the meanings ascribed to them in those sections.

21      Sec. 14. NRS 445B.759 is hereby amended to read as follows:

22      445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, *and*  
23 *sections 2 to 12, inclusive, of this act* do not apply to:

24      (a) Military tactical vehicles; or

25      (b) Replica vehicles.

26      2. As used in this section:

27      (a) “Military tactical vehicle” means a motor vehicle that is:

28          (1) Owned or controlled by the United States Department of Defense or by  
29 a branch of the Armed Forces of the United States; and

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

32      (b) “Replica vehicle” means any passenger car or light-duty motor vehicle  
33 which:

34          (1) Has a body manufactured after ~~1968~~ 1967 which is made to resemble  
35 a vehicle of a model manufactured before 1968;

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

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

40          (4) Is not used for daily transportation.

41      ➤ The term does not include a vehicle which has been restored to its original  
42 design by replacing parts.

43      Sec. 15. NRS 445B.807 is hereby amended to read as follows:

44      445B.807 1. To qualify as a consignment auction for the purposes of  
45 subsection 4 of NRS 445B.805, an event must be:

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

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

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

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

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

53      (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 *motor* 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. *A consignee shall not conduct more than two consignment auctions pursuant to this section during any period of 12 consecutive months.*~~

~~4.~~ 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.

**Sec. 16.** NRS 445B.835 is hereby amended to read as follows:

445B.835 1. The Department of Motor Vehicles may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act*, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer *for credit* to the ~~credit of the~~ Pollution Control Account.

3. In addition to any other remedy provided by NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act*, the Department may compel compliance with any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act*, and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

**Sec. 17.** NRS 445B.840 is hereby amended to read as follows:

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

1. Possess any unauthorized evidence of compliance;

2. Make, issue or use any imitation or counterfeit evidence of compliance;

3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, *and sections 2 to 12, inclusive, of this act*, or any regulation adopted by the Department of Motor Vehicles; or

4. Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

**Sec. 18.** NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act* relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 12, inclusive, of this act*, or any regulation adopted pursuant thereto, must be enforced by any peace officer.

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

6           **Sec. 19.** This act becomes effective on July 1, 2015.