

Assembly Bill No. 231—Assemblymen
Carrillo; and Daly

CHAPTER.....

AN ACT relating to air pollution; providing an exception to the requirement for emissions testing for certain transfers of used motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a used motor vehicle from being registered unless the application for registration is accompanied by evidence of compliance which certifies that the vehicle is equipped with devices for the control of pollution from motor vehicles. (NRS 445B.800) Existing law provides that this prohibition does not apply to the transfer of registration if evidence of compliance was issued within 90 days before the transfer. (NRS 445B.805) **Section 11** of this bill provides that this prohibition does not apply to the transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer. **Section 12** of this bill makes conforming changes.

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

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

Sections 1-10. (Deleted by amendment.)

Sec. 11. NRS 445B.805 is hereby amended to read as follows:
445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:
 - (a) Spouses; or
 - (b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.
2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.
3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.
4. *Transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer.*
5. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:



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

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

(c) Makes the vehicle available for inspection before the consignment auction:

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

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

Sec. 12. NRS 445B.807 is hereby amended to read as follows:

445B.807 1. To qualify as a consignment auction for the purposes of subsection ~~44~~ 5 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 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. 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.

Secs. 13-15. (Deleted by amendment.)

Sec. 16. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2019, for all other purposes.

