

SENATE BILL NO. 399—SENATORS HAMMOND AND PICKARD

MARCH 20, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions regarding licensed automobile wreckers. (BDR 43-253)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 licensed automobile wreckers; revising provisions governing when licensed automobile wreckers may process certain motor vehicles as parts or scrap; revising provisions regarding the liability assumed by such a licensed automobile wrecker for such processing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a licensed automobile wrecker is required to forward to the Department of Motor Vehicles the certificates of title and registration for certain vehicles acquired by the wrecker. (NRS 487.100) An exception to this requirement is provided for a licensed automobile wrecker who has posted a bond in the amount of \$50,000 with the Department. Such a licensed automobile wrecker may process a motor vehicle as parts or scrap without forwarding to the Department the certificate of title and registration for the motor vehicle, provided that the wrecker forwards to the Department certain information about the motor vehicle and does not receive from the Department a notice that the motor vehicle is not to be processed as parts or scrap. (NRS 487.105) A licensed automobile wrecker who uses this procedure to process a motor vehicle for parts or scrap assumes all liability for any injuries to any person or property arising from or incident to the act of such processing.

Section 1 of this bill provides that the Department may notify such a licensed automobile wrecker that a motor vehicle is not to be processed as parts or scrap only if the Department determines that the motor vehicle has been identified as stolen. **Section 1** further provides that such a licensed automobile wrecker who processes a motor vehicle as parts or scrap assumes all liability for any claim, action or cause of action related to the processing of the motor vehicle, and that no action may be brought against an officer or employee of the State or any of its agencies or political subdivisions which is based upon any such claim, action or cause of action related to such processing.



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

Section 1. NRS 487.105 is hereby amended to read as follows:

487.105 1. If a licensed automobile wrecker, in addition to any other bond required by NRS 487.047 to 487.200, inclusive, procures and files with the Department a good and sufficient bond in the amount of \$50,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant conducts his or her relevant activities in accordance with the provisions of this section, the wrecker may use the procedure set forth in this section to process a motor vehicle as parts or scrap metal. The additional bond described in this subsection may cover more than one location at which the licensed automobile wrecker does business, if the wrecker holds an ownership interest of 51 percent or more in each such business location.

2. Upon obtaining a motor vehicle that is to be processed as parts or scrap metal, a licensed automobile wrecker who has procured and filed the additional bond described in subsection 1 and who wishes to use the procedure provided in this section:

(a) Shall transmit to the Department electronically or via facsimile, as specified by the Department, a report that includes:

(1) The make, model, vehicle identification number and registration number, if applicable, of the motor vehicle; and

(2) An affirmation by the licensed automobile wrecker that the motor vehicle has been designated by the licensed automobile wrecker for processing as parts or scrap metal.

(b) May process the motor vehicle for parts or scrap metal only if:

(1) Five or more business days elapse after transmission to the Department of the report required by paragraph (a); and

(2) The licensed automobile wrecker does not receive notification from the Department that the motor vehicle is not to be processed as parts or scrap metal.

3. *The Department may notify a licensed automobile wrecker pursuant to subsection 2 that a motor vehicle is not to be processed as parts or scrap metal only if the Department determines that the motor vehicle has been identified as stolen.*

4. A licensed automobile wrecker who processes a motor vehicle for parts or scrap metal pursuant to this section assumes all liability for any *claim, action or cause of action related to the processing of the motor vehicle, including, without limitation,* injuries to any person or property arising from or incident to the act of such processing. No action may be brought under NRS 41.031 or



1 against an officer or employee of the State or any of its agencies or
2 political subdivisions which is based upon any *claim, action or*
3 *cause of action related to the processing of a motor vehicle*
4 *pursuant to this section, including, without limitation,* injuries to
5 any person or property arising from or incident to the act of
6 processing a motor vehicle for parts or scrap metal as authorized
7 pursuant to this section.

8 ~~4.~~ 5. If a licensed automobile wrecker submits to the
9 Department the report described in subsection 2 and the Department
10 confirms that the motor vehicle which is the subject of the report has
11 been processed as parts or scrap metal, the Department shall issue a
12 nonrepairable vehicle certificate for the motor vehicle.

13 **Sec. 2.** This act becomes effective on July 1, 2019.

