

ASSEMBLY BILL NO. 281—ASSEMBLYMAN C.H. MILLER

MARCH 15, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing the retention of certain records by short-term lessors, brokers and dealers of vehicles. (BDR 43-794)

FISCAL NOTE: Effect on Local Government: No.
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 motor vehicles; requiring that certain records maintained by short-term lessors be made available to the Department of Taxation, the Department of Motor Vehicles and certain local government employees upon request; authorizing certain records maintained by short-term lessors, brokers and dealers of vehicles to be maintained electronically; requiring a dealer or broker of vehicles to provide certain records upon request at the address specified in the request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, short-term lessors of motor vehicles are required to maintain a publicly accessible record of the identity of a short-term lessee and the time that the vehicle is subject to the lease or in possession of the short-term lessee. (NRS 482.315) **Section 1** of this bill requires that such records instead be made available to the Department of Taxation, the Department of Motor Vehicles and certain local government employees upon request. **Section 1** additionally authorizes such a record to be maintained electronically and requires that such electronic records be made available within 3 business days upon request, unless the Executive Director of the Department of Taxation provides by regulation for a different period.

Under existing law, a dealer of motor vehicles is required to keep the books and records for all locations at which the dealer does business within a county at his or her principal place of business in that county. A broker of motor vehicles is required to keep the books and records at his or her principal place of business. (NRS 482.3263) **Section 2** of this bill authorizes a broker or dealer to maintain such books and records electronically and provides that not later than 3 business days after receiving a request for the production of such books and records or any other



information or the electronic copies thereof, the dealer or broker is required to provide the requested electronic copies or books, records and other information at the address specified in the request.

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

Section 1. NRS 482.315 is hereby amended to read as follows:
482.315 1. Every person engaged in business as a short-term lessor shall ~~maintain~~ :

(a) *Maintain* a record of the identity of each short-term lessee and the exact time the vehicle is the subject of such lease or in the possession of the short-term lessee ~~;~~

~~— 2. — Every~~ ; and

(b) *Make each* such record ~~is a public record and open to inspection by any person.~~ *available upon request to:*

(1) *The Department of Taxation;*

(2) *The Department of Motor Vehicles; and*

(3) *A local government employee that requests the record in relation to compliance with local government ordinances or rules concerning local business licenses.*

2. *A person engaged in business as a short-term lessor may maintain the record required in this section electronically. Unless the Executive Director of the Department of Taxation provides by regulation for a different period, any such electronic record must be made available within 3 business days after a request of:*

(a) *The Department of Taxation;*

(b) *The Department of Motor Vehicles; or*

(c) *A local government employee that requests the record in relation to compliance with local government ordinances or rules concerning local business licenses.*

3. If the Executive Director of the Department of Taxation prescribes a form for the keeping of the record ~~provided for~~ *required* in this section, the short-term lessor shall use the form.

4. It shall be a misdemeanor for any such short-term lessor to fail to make or possess or to refuse ~~an inspection of~~ *to make available* the record required in this section.

5. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as the Executive Director determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record described in this section.



Sec. 2. NRS 482.3263 is hereby amended to read as follows:

482.3263 1. A dealer shall keep his or her books and records for all locations at which the dealer does business within a county at his or her principal place of business in that county ~~and~~ *or maintain his or her books and records electronically*. A broker shall keep his or her books and records at his or her principal place of business ~~and~~ *or maintain his or her books and records electronically*.

2. Each dealer and broker shall:

(a) Permit any authorized agent of the Director or the State of Nevada to inspect and copy the books and records *or make such records available electronically* during usual business hours; or

(b) Not later than 3 business days after receiving a request from such a person for the production of the books and records or any other information ~~and~~ *or the electronic copies thereof*, provide the requested books, records and other information *or electronic copies* to the person ~~at the location~~ specified in the request.

3. A dealer or broker shall retain the books and records for 3 years after he or she ceases to be licensed as a dealer or broker.

