

MINUTES

COMMITTEE: COMMERCE

DATE: Wednesday, March 28, 1973

MEMBERS PRESENT: Chairman Prince, Dr. Robinson, Messrs. Bickerstaff, Wittenberg, Demers, Torvinen, Hafen, Capurro and Dini;

MEMBERS ABSENT: None

GUESTS: See attached sheet

Chairman Prince called the meeting to order at 3:35 p.m. He asked for Committee introduction of a bill regulating escrow companies. This bill is the second bill to come from an earlier bill discussed by the Committee regulating both escrow companies and mortgage companies. Mr. Hafen moved for introduction, Mr. Demers seconded the motion. It was unanimously passed.

Mr. Wittenberg discussed AB 301 stating that the unfair trade practices provision from AB 300 had been made a part of AB 301; that the provision concerning "class action" suits had been removed. Mr. Torvinen discussed amendment no. 4771 which he had prepared covering these two bills which included the Attorney General's services in prosecuting offenders along with District Attorneys and a consent decree to cease and desist. (See Exhibit "A" for the complete amendment.) Mr. Wittenberg stated that he does not like the Attorney General in the bill as he is already included in all State Departments requiring his services. Mr. Torvinen read a letter from the Attorney General which stated that this bill gives authority to the District Attorneys which his office does not have and should have.

Mr. Melner of the Commerce Department stated that his office does not have its own attorneys; that the Attorney General does all their work; that he hopes this bill doesn't set up a new division of attorneys to prosecute consumer affairs in the Commerce Department which would only duplicate those services already performed by the Attorney General.

Dr. Robinson stated his disapproval of the removal of "knowingly" in several sections of AB 301. Mr. Wittenberg stated that the term "reasonable man" had replaced this so that violations of the act could be more easily proven.

* A.B. 889 (BDR 54-1693)

Mr. Wittenberg moved to pass AB 301 with Mr. Torvinen's amendments, deleting the inclusion of the Attorney General and the "cease and desist" provision; Mr. Demers seconded the motion. Voting "aye" were Messrs Prince, Wittenberg, Demers, Dini, Robinson, Bickerstaff and Capurro. Voting "nay" were Messrs Torvinen and Hafen. The motion was passed.

Mr. Wittenberg discussed AB 296 prohibiting unauthorized motor vehicle repair and requiring cost estimates and statements of charges. He stated that his prepared amendments would delete minor repairs from requiring estimates and that estimates would only be provided in writing if the customer requests such written estimate. Mr. Dini suggested exempting farm equipment dealers. Mr. Wittenberg moved a "do pass"; Mr. Dini seconded the motion. Dr. Robinson stated his opposition to the entire concept stating that we will all be paying more for automobile repairs because they will be over-estimated. Mr. Demers asked if we are going to regulate every industry in the State. (See Exhibit "B" for the complete amendments to AB 296.) Mr. Capurro moved to amend Mr. Wittenberg's motion by indefinitely postponing AB 296. Mr. Torvinen seconded the motion. The motion was passed with Messrs Prince, Demers, Robinson, Bickerstaff, Capurro, Hafen and Torvinen voting "aye"; Messrs Dini and Wittenberg voting "nay". The motion passed to indefinitely postpone AB 296.

Regarding AB 740 providing guidelines for retaining certain funds under public works contracts, Mr. Rowland Oakes of the Association of General Contractors stated that this bill will enable contractors to have more use of funds; that it should reduce costs to public bodies; that bonds could be used in place of retention of 10% of the total cost of a building until completion; that the second half of the bill was proposed by the sub-contractors which he opposes because it sets up a relationship between the sub-contractor and owner which establishes a dangerous precedent. This would allow the owner to be subject to claims of the sub-contractors. Mr. Torvinen expressed concern over sub-contractors not being paid by the general contractor, going against the bond and having to wait for an indefinite period of time before being paid. Mr. Oakes states that sub-contractors should be paid from the funds which are retained. Mr. Torvinen questioned that bonding companies would agree to this. Mr. Oakes felt it unfair to penalize all contractors because of a few bad ones.

Mr. Max Christiansen, representing air conditioning and sheet metal contractors, as well as steel, masonry, and plumbing contractors, agreed with Mr. Oakes and stated

that the 50% retention is a duplicate of AIA standards. He suggested that in line 34 on page 2, the word "public body" be changed to "contractor". Mr. Dini suggested making the same change in line 41 of page 2 to conform. Mr. Torvinen expressed concern about sub-contractors returning to the job to make certain changes, like replacing a duct; that this bill would make it more difficult getting them back.

Mr. Charles Breckler, representing the Regional Street and Highway Commission in Las Vegas stated that Section 2 of this bill is presently contained in all public works contracts in Southern Nevada. He pointed out that by allowing bonds to be used in place of 10% retention of funds, public bodies would have the additional burden of keeping a continual watch on the value of the bonds; that it is possible that they would reduce in value and no longer protect the public entity. "Our bonding provisions say that we must keep 10% out", he stated.

Chairman Prince asked for testimony on AB 711, 712, 716, and 720, a series of bills relating to landlord-tenant relationships. Mr. Pete Holden of the Washoe County District Attorney's office stated that he is in favor of the concept of codifying mutual obligations between landlord and tenant; that there is a definite problem with present laws because they are vague and this spawns many problems which reach his office. Of 50 categories of complaints in his office, this problem places seventh; that in some cases security deposits are just retained by the landlord; that this should be more clearly defined; that utilities are cut off; that verbal leases are the cause of many of these problems; "lock outs" by landlords without a court order, non-payment of rents are also problems. He feels there is a need either for a uniform act or more clear definitions. "The laws you are considering today could help these problems", he stated. He also stated that these problems are more prevalent in Southern Nevada than in Northern Nevada; that in most cases, the tenants cannot afford an attorney. He also mentioned that the landlord is not always the villain and that most offenders are chronic.

Mr. Pat Downs, Vice-President of the Nevada Apartment Association and Director of the National Apartment Association from Las Vegas stated that their organization has a tenant-landlord grievance committee which was established two years ago in Las Vegas. He felt that these bills will create additional burdens for both the landlord and tenant; that the majority of landlords own less than twenty units. He stated that he is in favor of a written rental agreement, including the rental deposit. He is not in favor of the return of the security deposit unless it is warranted

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and certainly should not be doubled if there is a dispute over it. He feels this would indirectly hurt the building business; that there are presently laws to cover situations when agreements are not in writing.

Regarding AB 711, he is not in favor of a limit being placed on security deposits and he would object to AB 712 allowing tenants to make repairs and then deduct them from the rent. He felt that this also would discourage people from going into the apartment business. He also objects to AB 716 which would set up a board to regulate these problems because this is a duplication of services and would increase costs.

Sister Carole Hurray of the Franciscan Center in Las Vegas stated that she has worked with many underprivileged people who have been evicted from their homes without notice during the summer, who have had heat turned off in the winter and air conditioning turned off in the summer and that they must have some protection. She felt that there should be some kind of written agreement between the parties.

Mr. Ray Burkman, a landlord, agreed with Mr. Downs.

Mr. Nick Pssaras of Maninvest Corporation, the largest landlord in seven Western states, stated that his corporation, if asked, could help re-align some of these bills; that written agreements are good for local enforcement. He suggested removing the provision covering security deposits because it has no merit; that his company has many forms which could be used; that though there are not many problems in the North at this time, there are also many new buildings going up. He felt there were too many different conditions in renting and various situations for the use of one standard rental form.

Dorothy Jean Poole of Las Vegas, a tenant in the "Forward Luck Apartments", stated that tenants in this project had had many serious complaints such as 15 families being locked out last summer; that they needed a court order to get back into their homes and many times the security deposit is not returned.

Mr. Gene Milligan of the Nevada Association of Realtors stated that the law now provides that a lease must be in writing if the rental period is for a year or more. He urges the Committee to be aware of existing laws; that there is no question there are problems.

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Mr. Breckler, in discussing AB 706, 707, and 679, stated that before an occupancy permit is granted, it is the responsibility of the building department to make certain that all of the contractor's responsibilities have been completed. This should not be their responsibility; that it is their job to see that the building is constructed according to code; that this bill makes the building department a policing agent between contractors and owners and that it would require double or triple the staff presently being used. Under this bill, major builders such as casino-hotels would not be able to open their first few floors and casino even though they are completed if the entire building is not completed. He apologized for Mr. Bill Adams, Assistant City Manager of Las Vegas and stated that Mr. Adams would be glad to present written comments if the Committee so desired.

Mr. George Monahan, Director of Public Works in Las Vegas, stated that regarding AB 679, he has the same comments as Mr. Breckler. He wondered if the City would be liable if they broke underground installations if the contractor told them of the location of such installations and he was incorrect. Mr. Torvinen felt they would be considered negligent and Mr. Monahan felt this could be very costly to the City.

Mr. Jim Parrott, Manager of the Clark County Sanitation District, stated that he really wasn't in opposition to AB 707 which requires that sub-contractors be listed at the time of bidding by the general contractor, but as it is written, it is a "one way street". He felt that provisions should be added for, 1) changes in sub-contractors after bidding; 2) additional sub-contractors after bidding; 3) default of sub-contractors after bidding. He doesn't feel a public body should be more involved in the contractor-sub-contractor relationship anymore than they are now. He also felt there should be a provision permitting the owner and contractor to negotiate if there is a need for a change in sub-contractors. He feels this bill is a result of sub-contractors' wishes to restrain contractors from "shopping around" to obtain lower bids from sub-contractors.

Mr. Breckler felt that if AB 706 is passes as it is written that every dispute on a job could become a conflict between contractor and owner. As it is now, the contractor is fully liable. Regarding AB 707, major contractors are now required to list sub-contractors. He agrees with Parrott's suggestions for changing sub-contractors.

Mr. Grant Bastian of the Nevada Highway Department, stated his opposition to AB 706 and agreed that there were

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problems which AB 707 would not solve. . . The Highway Department only allows up to 50% of a job to be done by sub-contractors. He stated that this bill would not correct the problems they have with sub-contractors but would only shift them to other areas; that some bids are put together minutes before the deadline.

Mr. Henry Etchemendy, City Manager of Carson City, stated that he agrees with the previous speakers. Regarding AB 679, a bill prohibiting issuance of occupancy or use permits or licenses until charges for newly constructed building are paid, he felt this was just bringing in another area for possible suits against cities and counties by their becoming involved between a private owner and the contractor.

Mr. Prince announced that the hearing was closed.

Mr. Wittenberg moved to indefinitely postpone AB 679, 706 and 707. Mr. Dini seconded the motion. All members of the committee voted "aye" with the exception of Mr. Demers who abstained.

Regarding AB 674 regulating architects, Mr. Wittenberg moved a "do pass" with Mr. Hafen's suggested amendments including adding to the exemptions contractors and draftsmen or designers; Mr. Demers seconded the motion. Voting "aye" were Messrs Prince, Wittenberg, Demers, Robinson, Capurro, Hafen and Torvinen. Voting "nay" were Messrs Dini and Bickerstaff. The motion was carried.

Regarding AB 746 and AB 740, the Committee agreed to hold over to another date.

Mr. Wittenberg moved to indefinitely postpone AB 712, 716, and 720. Mr. Capurro seconded the motion. All members of the Committee voted "aye" with the exception of Mr. Demers, who voted "nay". The motion was passed.

Regarding AB 711, Mr. Dini moved and Mr. Bickerstaff seconded to indefinitely postpone the bill. All members of the Committee voted "aye" with the exceptions of Mr. Demers and Mr. Wittenberg. The motion was carried.

Regarding AB 719, Mr. Hafen moved and Mr. Wittenberg seconded to indefinitely postpone the bill. All members of the Committee voted "aye" with the exception of Mr. Capurro. The motion was carried.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Attache

ASSEMBLYAGENDA FOR COMMITTEE ON COMMERCEDate Wed., March 28 Time 4:00 p.m. Room 222

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 679	Prohibits issuance of occupancy or use permits or licenses until charges for newly constructed building are paid.	
AB 685	Creates crimes of diverting construction money, misusing such money obtained under a false voucher, and rebating such money;	
AB 706	Prohibits certain indemnification provisions in construction contracts;	
AB 707	Requires bids relating to public works to include list of sub-contractors;	
AB 711	Limits amount of rental security deposit and places deadline upon return thereof;	
AB 712	Permits tenant to repair premises and deduct cost from rent.	
AB 716	Provides for control of renting and leasing of real property;	
AB 720	Prohibits reprisal evictions by landlords.	

*Please do not ask for counsel unless necessary.

COMMERCE
HEALTH & WELFARE COMMITTEE

GUEST REGISTER

DATE **3-28-73**

NAME	REPRESENTING	WISH TO SPEAK (Specify Bill)	
		YES	NO
Mike Melner Melner	Commerce Dept.		
Larry ^{Pete} Holden ^{Pete} Holden	Washoe Co. D.A.		
Pete Keily	New Retailers		
Corky Lingenfelter	hard T.I.C. Assoc.		
Noel Manoukian			
Larry Struve	Washoe Co. D.A.		
ROWLAND DAVIS ASSOC GEN. CONTRACTORS			
C.P. BRECHLER	CLARK CO.		
Joe Kaler	Inv. Retail Union		
Henry Edmunds	Carson City		AB 679 AB 707
Grant Bastian	Neu. Hwy. Dept.		
J.H. Bradshaw	Nevada Bankers Assn	AB 679	
SIM PARRATT	Clark County San Dist.		
L. Charles Murray	Franciscan Center		
Dr. C. Mouchan	Clark Co. Public Works	#736	WMM re-considered
Gene Mulligan	New. Assoc. of Realtors		
W. Edmunds	State Planning Board	707-649	
Bonnie Borda			
NOEL MANUKIAN			

EX-A
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Accepted
Lost
Date: _____
Initial: _____
Concurred in
Not concurred in
Date: _____
Initial: _____

Accepted
Lost
Date: _____
Initial: _____
Concurred in
Not concurred in
Date: _____
Initial: _____

Bill/Joint Resolution No. 301 (BDR 12-222)
Proposed by Committee on Commerce

Amendment No. **4771**

Replaces Amendment No. 466

Amend sec. 2, page 2, line 2, by deleting "25," and inserting: "22,"

Amend sec. 3, page 2, line 5, by deleting "25," and inserting: "32,"

Amend sec. 4, page 2, line 6, by deleting "25," and inserting: "32,"

Amend sec. 9, page 3, by deleting lines 7 through 12.

Amend sec. 9, page 3, line 13, by deleting "14." and inserting: "13."

Amend sec. 9, page 3, by deleting lines 18 and 19, and inserting:

"(b) Disparagement in any material respect of the advertised product or

the terms of sale."

Amend sec. 9, page 3, line 30, by deleting "15." and inserting: "14."

Amend sec. 9, page 3, line 32, by deleting "16." and inserting: "15."

Amend sec. 9, page 3, line 35, by deleting "17." and inserting: "16."

Amend sec. 18, page 4, line 13, by deleting "25." and inserting: "32."

Amend sec. 18, page 4, line 21, by deleting "25." and inserting: "32."

Amend sec. 18, page 4, line 25, by deleting "25." and inserting: "32."

Amend sec. 19, page 4, line 46, by deleting "25." and inserting: "32."

Amend sec. 22, page 5, by deleting line 21 and inserting:

"Sec. 22. 1. Notwithstanding the requirement of knowledge as

a element of any practice enumerated in section 9 of this act as a deceptive
trade practice, when the commissioner has cause to believe that a per-

Amend sec. 22, page 5, line 22, by deleting "deceptive trade practice,"
and inserting "of the practices enumerated in section 9 of this act,
knowingly or otherwise,".

Amend sec. 22, page 5, line 26, by inserting "such" before
"deceptive".

Amend sec. 22, page 5, line 27, by inserting "such" before "decep-".

Amend sec. 23, by deleting line 49 on page 5 and lines 1 through 16 on
page 4 and inserting:

"Sec. 23. 1. Sections 4 to 22, inclusive, of this act do not prohibit
the commissioner from disclosing to the attorney general or any district
attorney or law enforcement officer the fact that a crime has been

(over)

committed by any person, if this fact has become known as a result of any investigation conducted pursuant to the provisions of sections 4 to 32, inclusive, of this act.

2. Subject to the provisions of subsection 2 of section 22 of this act, the commissioner shall not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not prevent the commissioner from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice."

Amend the bill as a whole, by adding new sections designated secs. 24 through 31, following sec. 23, to read as follows:

"Sec. 24. 1. Prior to instituting any action pursuant to sections 25 to 31, inclusive, of this act, the attorney general or district attorney shall ascertain whether or not the action in question is subject to the regulatory authority of any state agency, board, official or other authority established by virtue of the Nevada Revised Statutes except the regulatory or administrative authority provided to the commissioner of consumer affairs by sections 4 to 32, inclusive, of this act.

2. If such action is subject to such regulatory authority or any regulation duly adopted and promulgated or any statutes administered by any state regulatory agency, board, official or other authority as provided in subsection 1, the attorney general or district attorney shall not institute any proceeding under sections 25 to 31, inclusive, of this act until such state agency, board, official or other state regulatory

authority has had reasonable time to investigate or take any appropriate action with respect to the alleged facts.

3. For the purposes of this section, a reasonable time has elapsed if no final action or other disposition is made of any matter otherwise falling within the provisions of sections 4 to 32, inclusive, of this act within 30 days after such matter is referred to or brought to the attention of any state agency, board, official or other regulatory authority except the commissioner of consumer affairs.

4. This section does not prohibit the attorney general or district attorney of any county from filing an action pursuant to the provisions of sections 23 to 26, inclusive, of this act, if the referral of any matter subject to the provisions of this act to any state agency, board, official or other regulatory authority would cause immediate harm to the public of this state or endanger the public health, safety or welfare, and such facts are shown by affidavit or by verified complaint.

Sec. 10. Notwithstanding the requirement of knowledge as an element of a practice enumerated in section 7 of this act as a deceptive trade practice, and notwithstanding the enforcement powers granted to the commissioner pursuant to sections 4 to 32, inclusive, of this act, whenever the attorney general or the district attorney of any county has reason to believe that any person or entity has used or is about to use any of the practices enumerated in section 7 of this act, knowingly or otherwise, he may bring an action in the name of the State of Nevada

(more)

against such person to obtain a temporary or permanent injunction against such deceptive trade practice.

Sec. 26. Except as otherwise provided in section 23 of this act, appropriate notice must be given by the attorney general or district attorney to any person against whom an action is brought pursuant to section 25 of this act. Such notice must state generally the relief sought and be served in accordance with section 31 of this act at least 10 days prior to the filing of the action.

Sec. 27. Any action brought pursuant to section 22 or 25 of this act may be brought:

1. In a district court in the county in which the defendant resides or has his principal place of business;
2. In the district court in Carson City if the parties consent thereto;
3. In the district court in any county where a deceptive trade practice was committed. Any court in which an action is brought pursuant to section 22 or 25 of this act may issue any temporary or permanent injunction in accordance with the Nevada Rules of Civil Procedure to restrain and prevent any violation of any provisions of sections 22 to 31, inclusive, of this act, and such injunctions shall be issued without bond.

Sec. 28. Whenever the attorney general or district attorney has reason to believe that the delay caused by complying with the notice requirement of section 26 of this act will or cause immediate harm to the public

of this state or endanger the public welfare, he may immediately institute a suit for injunctive relief, including a request for a temporary restraining order, upon proof of specific facts shown by affidavit or by verified complaint or otherwise that such immediate harm will be or is likely to be caused by such delay. The Nevada Rules of Civil Procedure pertaining to the issuance of temporary restraining orders govern all actions instituted pursuant to this section.

Sec. 28. The court in which an action is brought pursuant to section 22 and sections 25 to 33, inclusive, of this act may make such additional orders or judgments as may be necessary to restore to any person in violation any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of sections 4 to 33, inclusive, of this act, but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 29. 1. In proceeding pursuant to sections 25 to 33, inclusive, of this act, the attorney general or district attorney may accept an assignment of responsibility with respect to any method, act or practice determined to be a deceptive trade practice enumerated in section 9 of this act if any person who is engaged or is about to engage in such method, act or practice by following the procedures set forth in subsection 2 of section 29 of this act.

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2. Any assurance made pursuant to subsection 1 shall be in writing and shall be filed with and subject to the approval of the district court in the county in which the alleged violator resides or has his principal place of business, or the district court in any county where any deceptive trade practice has occurred or is about to occur or the district court agreed to by the parties.

3. An assurance of discontinuance made pursuant to subsections 1 and 2 shall not be considered an admission of violation for any purpose, but is subject to the terms, limitations, and conditions of section 22 of this act.

4. If any assurance of discontinuance is filed and approved by a district court in accordance with the provisions of subsection 2, no other district attorney in any county in this state, the attorney general or the commissioner or his attorney may file any action under the provisions of sections 4 to 32, inclusive, of this act as to any matters covered in such assurance of discontinuance.

Sec. 31. Service of any notice under sections 25 to 30, inclusive, of this act shall be made by personal service within the State of Nevada, but if such service cannot be obtained, substituted service therefor may be made in any of the following ways:

- 1. Personal service thereof outside the State of Nevada;
- 2. The mailing thereof by registered or certified mail to the last-known place of business, residence or both whether inside or outside the

Amendment No. 1371 to Assembly Bill No. 301 (BDR 81-213) Page 8

State of Nevada of such person for whom the notice is incurred, in which
event such service shall be deemed complete upon the third day following
the mailing of any notice required under this section;

3. As to any person other than a natural person, service shall be in the
manner provided in the Nevada Rules of Civil Procedure for completing
service of process on such a person, corporation, association or
organization; or

4. Such service in as any district court may direct in lieu of personal
service within the State of Nevada."

Amend sec. 24, page 6, by deleting lines 17 through 21 and inserting:

"Sec. 21. 1. Any person who violates any court order or injunction
issued pursuant to sections 4 to 31, inclusive, of this act, or upon a
complaint brought by the commissioner, the attorney general or the dis-
trict attorney of any county of this state shall forfeit and pay to
the general fund in the state treasury a civil penalty of not more than
\$5,000 for each violation. For the purpose of this section, the court
issuing any such order or injunction shall retain jurisdiction over any
such action or proceeding. Such civil penalties shall be in addition
to any other penalty or remedy available for the enforcement of the
provisions of sections 4 to 31, inclusive, of this act.

2. As used in this section, the term "violation" includes a px
repetitive or continuous violation arising out of the same act."

Amendment No. 1771 to Assembly Bill No. 391 (BDR 42-313) Page 9

Amend the bill as a whole by deleting sec. 25.

Amend the title of the bill by deleting "and providing other matters properly relating thereto." and inserting:

"providing injunctive relief; providing a method of voluntary compliance; providing for notice; providing penalties; and providing other matters properly relating thereto."

March 26, 1973

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TO: Assemblyman Rawson Prince
Chairman, Assembly Committee on Commerce

FROM: Robert F. Guinn, Executive Director
Nevada Franchised Auto Dealers Association

RE: Proposed Amendments to Assembly Bill 296

The following are suggested amendments to A.B. 296 offered in line with the understanding reached at the hearing on March 22, 1973.

- (1) Amend the definition of "motor vehicle" commencing on line 11, page 1, to read as follows: "motor vehicle" means a passenger car or motor-cycle as defined in Chapter 482 of NRS. "
- (2) Amend the definition of "person" starting on line 14, page 1, by adding the following: "It shall also include any insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance. "
- (3) Add a new subparagraph to section 2, page 1, to read as follows:
"5. Repairing, modifying or performing maintenance on motor vehicles does not include lubrication or oil change, repairing or changing tires, replacing batteries, wiper blades or fan belts and other minor accessories. "
- (4) Amend line 5, page 2, by inserting after the word "shall" the following
". at the specific request of such person".
/his
- (5) Amend line 9, page 2, by striking the language on line 9 and substituting the following: "vehicle, including the charge for labor and all parts and accessories neces-".
- (6) Amend line 11, page 2 by striking the language on line 11 and substituting the following: "When an estimate has been provided under the provisions of section 4, the person requesting or authorizing the repair, modification".
- (7) Amend line 20, page 2 by striking the language on line 20 and substituting the following: "(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle".

- (8) Amend line 25, page 2 by striking the word "reasonable" and substituting²⁸² the following: "24 hour"period of such election" and delete" of time".
- (9) Amend line 29, page 2, by striking the words "sections 3 to 6 inclusive," and substituting the following: "section 5".
- (10) Strike all of the language in section 8, on pages 2 and 3 and substitute the following: Sec. 8, 1. "The waiver authorized by section 7 of this act shall be set forth in bold face letters not less than 1/4 inches high on a single paper which contains no other printed matter and reads as follows:

"STATE LAW REQUIRES THAT WHEN A GARAGEMAN HAS GIVEN A PERSON A WRITTEN ESTIMATE SETTING FORTH THE TOTAL COST FOR LABOR AND PARTS AND ACCESSORIES TO ACCOMPLISH REPAIRS OR MAINTENANCE ON A MOTOR VEHICLE, NO CHARGE IN EXCESS OF THE ESTIMATED AMOUNT CAN BE MADE WITHOUT THE CONSENT OF THE PERSON REQUESTING OR AUTHORIZING THE REPAIRS OR MAINTENANCE, SUCH PERSON MAY, HOWEVER, WAIVE HIS RIGHT TO SUBSEQUENT APPROVAL OF INCREASED CHARGES, SHOULD THEY BE FOUND TO BE NECESSARY, BY EXECUTING THIS WAIVER.

2. The following affidavit shall be set forth below the statement described in subsection 1.
1. The undersigned hereby certifies that he has read the above statement and knowingly and intentionally waives the right to approve any increased charges, should they be found necessary to complete the required repairs or maintenance on this motor vehicle.
3. The affidavit shall be followed by the signature of the person authorizing the repairs or maintenance, and the date.
4. Unless otherwise included on the opposite side of the form containing the waiver, the form containing the waiver shall include:
- (a) The vehicle make, body type and registration plate number.
- (b) The work order assigned by the garageman to the work to be performed on the vehicle.
- (c) The name, address and telephone number (if any) of the person requesting or authorizing the repairs.

(11) Strike the language in section 11 on page 3, and substitute the following:

"Sec. 11. 1. Whenever the repair, modification or maintenance work performed on a motor vehicle requires the replacement of any parts or accessories, the garageman shall, at the request of the person requesting or authorizing the work or any person entitled to possession of the motor vehicle, deliver to that person all parts and accessories replaced as a result of the work unless such delivery is expressly excused by that person.

2. The provisions of subsection 1 shall not apply to parts and accessories which the garagemen is required to return to a manufacturer or distributor under a warranty arrangement."

(12) Add a new section to read as follows: "Sec. 14. 1. Every garageman as defined in subsection 2 of section 3 of this act shall display conspicuously in those areas of his place of business frequented by persons seeking repairs, modification or maintenance on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in bold face letters the following:

STATE LAW REQUIRES THAT UPON REQUEST OF ANY PERSON AUTHORIZING REPAIRS, MODIFICATIONS OR MAINTENANCE ON A PASSENGER CAR OR MOTORCYCLE SUCH PERSON SHALL BE GIVEN A WRITTEN ESTIMATE OF TOTAL CHARGES FOR LABOR AND PARTS AND ACCESSORIES, AND THAT NO CHARGE IN EXCESS OF THE ESTIMATE CAN BE MADE WITHOUT THE WRITTEN OR ORAL CONSENT OF THE PERSON REQUESTING OR AUTHORIZING THE WORK.

2. Any person violating the provisions of this section is guilty of a misdemeanor."

(13) Strike all of section 13 and substitute the following: " Any person who violates any provision of this act, excepting section 13, shall be liable for a civil penalty not to exceed \$2,500 for each violation".

(14) Renumber existing section 14 to section 15.