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Senate

COMMERCE AND LABOR COMMITTEE

April 8, 1975

The meeting was called to order in Room #213 at 12:25 p.m. on Tuesday, April 8, 1975, with Senator Gene Echols in the chair.

PRESENT: Senator Gene Echols
Senator Warren Monroe
Senator Richard Blakemore
Senator Margie Foote
Senator Gary Sheerin
Senator Richard Bryan (1:00)
Senator William Raggio (1:10)

OTHERS PRESENT: See Exhibit "A"

A.B. 28: Provides for state fire marshal to adopt minimum standards on installation of mobile homes in mobilehome park.

Senator Monroe moved to amend by striking subsection 2.

Mr. Dan Quinan said that section actually affects the construction of mobile homes and said that was already in the law. He said 501A is an entirely new standard which they are hoping to adopt. The language in the original law was to provide the State of Nevada a way to exceed the standards if necessary. Senator Monroe said they would be authorizing them to adopt standards under two national programs and under subsection 2, you can go higher. Mr. Quinan said they could say in reference to Section 501A, that subsection 2 does not apply. Mr. Quinan said subsection 2 addressed itself to the construction of the mobile home. Senator Foote corrected him and read from the bill subsection 2. Mr. Quinan then said he would have no objection to striking subsection 2.

Senator Monroe moved to amend and do pass.

Senator Sheerin seconded the motion.

Motion carried unanimous. Senators Bryan and Raggio were absent at this time.

Senator Monroe was assigned to get the amendments.

A.B. 256: Increases minimum wage for employees in private employment.

There was discussion about the amendment to change "outside salesperson" to "person." After discussion by committee, the following action was taken.

Senator Sheerin moved a do pass on the first reprint.

Senator Blakemore seconded the motion.

Motion carried unanimous. Senators Bryan and Raggio were absent at this time.

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S.B. 300: Prohibits unauthorized motor vehicle repair and requires cost estimates and invoices of charges.

Rusty Nash, Washoe County District Attorney's office, presented his amendments to S.B. 300 to the committee. (Exhibit "B"). Mr. Robert Guinn, Nevada Franchised Auto Dealers, also presented his amendments to S.B. 300 to the committee. (Exhibit "C").

Mr. Nash stated his amendments were added at the request of the garage people. Senator Sheerin asked Mr. Nash to explain the differences between his amendments and Mr. Guinn's amendments to S.B. 300. Mr. Nash said there were two basic differences: 1) whether the estimate should be mandatory or at the request of the customer. Mr. Nash said he had worked out a compromise that would allow the customer to waive in writing that requirement. 2) difference in the penalty section. He made an additional suggestion to what he had already proposed, and that would be the language would reflect the civil penalty would not exceed \$250 the first time, etc., and leave it up to the judge so that the garage would be protected in the equitable cases.

Senator Sheerin then asked Mr. Nash to state his philosophy concerning the first difference. Mr. Nash stated the customer should be aware of his right to an estimate or he will not get one. By making the estimate mandatory you are getting estimates in all cases. He stated they were willing to compromise by saying the customer could execute in writing a waiver to his right for an estimate. Senator Sheerin asked if the garageman could charge for the estimate. Mr. Nash stated that under current law the garageman has every right to charge for the estimate as long as the customer is informed. He stated that was not in his bill but he would not be adverse to putting it in. Senator Monroe stated he would object very strongly to charging for the estimate. Senator Blakemore stated there were cases where an estimate should be charged for because of the time spent to make the estimate.

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Commerce and Labor Committee

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Senator Sheerin then asked Mr. Robert Guinn to state his philosophy. Mr. Guinn the testimony of the dealers had been that to give an estimate to each person would compel you to get additional personnel or engage in extensive delays to the customer. He stated the philosophy here is that the bill mandates that there be present on the premise a substantial sign displayed in the areas that the customer frequents notifying them that they are entitled to the estimate. If the garageman is requested to give an estimate, he will do so. Once he has made the estimate he may not exceed by 20 percent or \$40, whichever is greater, without notifying the customer. Mr. Guinn stated there was a provision for the situation where a person brings in a car, asks for an estimate, and then says he will not be available for call back. In this situation he could waive in writing his right to be called back.

Senator Sheerin asked if they would charge for the estimate. Mr. Guinn said it was in their bill, but if it was going to cause problems it would be left out. Senator Monroe stated again he was against charging for the estimate. There was discussion among the committee members about charging for the estimate.

Senator Echols said they were going to have to compromise. Senator Sheerin stated he thought they were not going to get any closer on their amendments. Senator Blakemore stated he was going to vote against the bill because he had talked to his people and they all felt the bill was too broad and was not really solving anything. Senator Sheerin said he would support the garagemen amendments.

Senator Monroe moved to adopt the garagemen's compromise by amending to leave out subsection C in Section 4. Senator Echols said he would concede to that. Senator Foote said she liked the amendment that did not make the estimate mandatory.

Senator Foote asked if anyone kept a file on crank consumers. Mr. Lawler and Mr. Nash both said they had repeat customers and they knew who they were.

Senator Monroe moved amend and do pass.

Senator Sheerin seconded the motion.

Senator Blakemore voted no. Senators Bryan, Echols, Foote, Sheerin, and Monroe voted aye. Senator Raggio was absent.

Senator Sheerin was appointed to get the amendments and speak on the floor.

S.B. 301: Regulates repair work on consumer goods and provides penalties.

Rusty Nash, Washoe County District Attorney's Office, passed out his amendments to S.B. 301. (Exhibit "D"). The amendment would change the record requirement from two years to one year. It would also require that in order for someone to prosecute under civil penalty, he would have to willfully violate the provisions. The only other thing was the scope of the consumer goods definition. Someone had suggested this be limited to just appliances and electrical goods. Mr. Nash stated that one way to change it to limit it to that would be to eliminate subdivision three of section 3, which defines consumer goods. Under section 4 instead of service dealer you could define electronics service dealer. Mr. Nash said with that revision the repair dealers would be in accord with the bill.

over

Senator Blakemore asked why mobile homes were excluded. Mr. Joe Lawler, Consumer Affairs, said that each appliance in a mobile home carries its own warranty. Mr. Nash said that mobile homes were under the fire marshal's jurisdiction. There was a short discussion about the exclusions.

Senator Monroe moved to amend to removed subsection 3 and add electronics service dealer and do pass.

Senator Bryan seconded the motion.

Mr. Steele asked if it could be up to \$250 on the first violation, up to \$500 on the second violation, and up to \$1000 on the third violation, and let the judge use his discretion on what the penalty should be. Mr. Nash stated he would be in accord with that. The words "not to exceed" would be added in sub a, sub b, and sub c.

Senator Monroe then moved to amend and do pass.

Senator Bryan seconded the motion.

The motion carried unanimously with all members present and voting.

Senator Bryan will get the amendments and speak on the floor.

S.B. 343: Places restrictions on cancellation or nonrenewal of automobile liability insurance policies.

Senator Raggio and Senator Bryan had both spoken to Dick Rottman, Insurance Commissioner, about S.B. 343. Mr. Rottman said to leave the law as it is because he already has the

authority to handle nonrenewal and cancellation. After a short discussion it was decided to have Senator Echols speak to Senator Herr, who is the sponsor of the bill, and see what she would like to do.

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Senator Monroe stated he had just been handed a letter from Mr. Quinan, State Fire Marshal, asking them not to amend A.B. 28. He had, at the beginning of the meeting, stated that he was not against the amendment. After a short discussion the committee decided to let the bill leave committee as previously voted on.

There being no further business, the meeting was adjourned until p.m. adjournment of the Senate. Senator Bryan will be excused from that meeting.

Respectfully submitted:

Kristine Zohner
Kristine Zohner, Committee Secretary

APPROVED BY:


Senator Gene Echols, Chairman

1st. meeting

Exhibit A

SENATE Commerce & Labor COMMITTEE

ROOM # 213

DATE April 8, 1975

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NAME	ORGANIZATION	ADDRESS	PHONE NUMBER
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*NOTE: PLEASE PRINT ALL THE INFORMATION CLEARLY.

BOB STEELE	NEV. STATE ELECTRONICS ASSOC.	SPARKS NEV	558-3172
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RAY TREASE	CONSUMER AFFAIRS	NVE Bldg. - C.C.	885-4340
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JOE HAWLER	"	"	"
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LEE VANDERBURG	REYNOLDS & REYNOLDS	1000 BIBLEWAY #6 RENO	329-3267
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E. J. Silva	DMV -	C.C.	885-5370
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Alvin Gunnar	State Fire Marshal	C.C.	885-4290
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Barbara Neuberger	AAUW	2001 Regent, Reno	322-6295
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GEORGE L. CIAPUSCI	STATE FARM INS	1735 VASSAR, RENO (ORMSBY HOUSE C.C.)	329-1011 716
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VIRGIL P. ANDERSON	AAA	926 J ST, SACRAMENTO, Ormsby House Calif	443-2571 916
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Richard R. Garrod	FARMERS Ins Group	1 Keel Court SACRAMENTO,	95831-428-428
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C. Holliman Hawes	AFL-CIO	Box 183 Carson City	EE2-1126
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Stan Jones	Nevada State Labor Commission	Carson City	
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Kate Butler	Nevadaans for EPA	222 Flamingo #17	883-2054
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Larry Kees	Nevada Ind. Insurance Agts.	317 N. Carson St.	882-1366
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Rusty Nash	Washoe Co District Attorney	Reno	785-5670
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SENATE
HEARING

COMMITTEE ON.....COMMERCE AND LABOR.....

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Date...April 8, 1975.....Time 12:00.....Room.....213.....

Bill or Resolution
to be considered

Subject

A.B. 28	Provides for state fire marshal to adopt minimum standards on installation of mobile homes in mobile home parks.
A.B. 256	Increases minimum wage for employees in private employment.
S.B. 300	Prohibits unauthorized motor vehicle repair and requires cost estimates and invoices of charges.
S.B. 301	Regulates repair work on consumer goods and provides penalties.
S.B. 343	Places restrictions on cancellation or nonrenewal of automobile liability insurance policies.

C O R R E C T E D A G E N D A

PROPOSED AMENDMENT OF S.B. 301

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Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Section 2. As used in this chapter, "person" means any natural person, corporation, partnership, association or other legal entity.

Section 3. As used in sections 3 to 9, inclusive, of this act, unless the context requires otherwise:

1. "Appliances" includes but is not limited to air conditioners, refrigerators, freezers, ranges, ovens, dishwashers, washing machines, clothes dryers, garbage disposals and trash compactors.

2. "Home electronic equipment" includes but is not limited to calculators, television sets, radios, phonographs, amplifiers, tuners and other audio or video recording or playback equipment and components.

3. "Consumer goods" means any article, product or commodity of any kind or class which is used or brought for use primarily for personal, family or household purposes. The term includes but is not limited to appliances, home electronic equipment, bicycles, sewing machines and typewriters. The term specifically excludes motor vehicles, ~~mobile homes, trailers, aircraft, motorboats, and vessels.~~

4. ^{Electronic} "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, maintaining or diagnosing malfunctions of consumer goods, but does not include a person performing repairs that he is licensed to perform by the state contractors' board.

5. "Service" or "service work" means all repairing, servicing,⁴¹¹ maintaining or diagnosing of malfunctions of consumer goods for compensation.

Section 4. 1.(a) If a customer requests an estimate for repairs necessary for a specific job, the service dealer shall make such an estimate in writing, which estimate shall include parts and labor, and the service dealer may not charge for work done or parts supplied in excess of the estimate without prior consent of the customer. The estimate shall be signed by the customer and by the service dealer or by a person authorized by the service dealer to make the estimate, and a copy of the estimate shall be given to the customer before any work is started.

(b) If a service dealer intends to charge a fee for preparing a written estimate, he shall advise the customer of the amount of such fee in writing prior to the preparation of said written estimate.

(c) No service dealer shall charge for work done or parts supplied in excess of the written estimate without prior oral or written consent of the customer; and if such consent is oral, the service dealer shall make a notation on the invoice of the date, time, name of the person authorizing the additional repairs, telephone number, if any, name of the person receiving such oral consent, conditions of such consent, if any, together with a specification of the additional parts and labor and the total additional cost.

2. A service dealer may charge for the making of a service call without having obtained written authorization from the customer, but the service dealer shall orally inform the customer of the amount of any such charge at the time the customer requests the service call. 412

3. If a charge is to be made for diagnosing a malfunction, or for reassembling the unit if the customer does not authorize repairs, the service dealer shall disclose each such charge to the customer orally as well as in the work order authorizing such diagnosis or any disassembly or reassembly. Such work order shall be signed by the customer and by the service dealer or by a person authorized by the service dealer, and a copy of such work order shall be given to the customer before any such diagnosis or any disassembly or reassembly is commenced.

Section 5. No charge may be made for service work done or parts supplied in excess of the price estimated in the work order without the consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the additional parts are supplied.

Section 6. 1. All service work done by a service dealer, including all warranty work, shall be recorded on a statement of charges which shall contain:

- (a) A description of all service work done and parts supplied;
- (b) If the customer so requests at the time the work order is taken, an itemization of each part supplied with its part number and price, but miscellaneous small parts may be collectively de-

scribed and priced;

(c) A clear identification as such of any used, rebuilt or reconditioned part supplied;

(d) The fact that a part of a component system repaired is composed of both new and used, rebuilt or reconditioned parts, where that is the case;

(e) The fact that any part of the service work was subcontracted to another service dealer, where that is the case;

(f) Separate subtotals of charges for service work and for parts, not including sales tax, and separate statements of the sales tax, if any, applicable to each subtotal;

(g) The hourly rate of labor and the number of hours charged, and

(h) The fact that the hours charged are not the actual hours worked, but are an estimate by a flat-rate manual, where that is the case, and in such case, the flat-rate manual shall be identified by name.

2. The service dealer shall give one copy of the statement of charges to the customer and retain one copy in his files for at least 1 year.

Section 7. If the customer so requests at the time the work order is taken, the service dealer shall return replaced parts to the customer at the time of the completion of the work, except such parts as the service dealer must return to the manufacturer or distributor under a warranty arrangement. If parts must be returned to the manufacturer or distributor, the dealer at the time the work order is taken shall offer to show, and upon acceptance of such offer shall show, such parts to the customer upon completion of the work.

STAMP

Section 8. A service dealer who has performed service work **414** upon consumer goods shall not detain such goods pursuant to a common law or statutory lien for such work, and is not otherwise entitled to the benefit of such lien, or to sue on any contract for the service work done by him, unless he has complied with the requirements of sections 4 to 7, inclusive, of this act.

Section 9. 1. Any person who, in the course of his business or occupation, knowingly violates the provisions of sections 4 to 7, inclusive, of this act is engaging in a deceptive trade practice. Any such violation is subject to the provisions of NRS 598.360 to 598.640, inclusive.

2. The attorney general, commissioner of consumer affairs or any district attorney may bring an action to recover from any person who willfully fails to comply in any material respect with the provisions of sections 4 to 7, inclusive, of this act, a civil penalty as follows:

- (a) \$250 for the first violation.
 - (b) ^{ad} \$500 for the second violation.
 - (c) ~~\$~~ \$1,000 for the third or any subsequent violation.
- not to exceed*

In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, the civil penalty provided in this subsection may be recovered in addition to the penalties provided in subsections 1 and 3 of NRS 598.640.

3. Such civil penalties shall be in addition to any other penalty or remedy available for the enforcement of sections 4 to 7, inclusive, of this act.

4. For any violation by an employee of a service dealer, 415
the employee and the service dealer are jointly liable.

Section 10. NRS 598.410 is hereby amended to read as follows:
598.410 A person engages in a "deceptive trade practice" when
in the course of his business or occupation he:

1. Knowingly passes off goods or services as those of another.
2. Knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services.
3. Knowingly makes a false representation as to affiliation, connection, association with or certification by another.
4. Uses deceptive representations or designations of geographic origin in connection with goods or services.
5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith.
6. Represents that goods are original or new if he knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.
7. Represents that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if he knows or should know that they are of another.
8. Disparages the goods, services or business of another by false or misleading representation of fact.
9. Advertises goods or services with intent not to sell them as advertised.
10. Advertises goods or services with intent not to supply

reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.

11. Advertises under the guise of obtaining sales personnel when in fact the purpose is to first sell a product or service to the sales personnel applicant.

12. Makes false or misleading statements of fact concerning the price of goods or services, or the reasons for, existence of or amounts of price reductions.

13. Employs "bait and switch" advertising, which consists of an attractive but insincere offer to sell a product or service which the seller in truth does not intend or desire to sell, accompanied by one or more of the following practices:

(a) Refusal to show the product advertised.

(b) Disparagement in any material respect of the advertised product or the terms of sale.

(c) Requiring tie-in sales or other undisclosed conditions to be met prior to selling the advertised product or service.

(d) Refusal to take orders for the product advertised for delivery within a reasonable time.

(e) Showing or demonstrating a defective product which is unusable or impractical for the purposes set forth in the advertisement.

(f) Accepting a deposit for the product and subsequently switching the purchase order to a higher priced item.

(g) Failure to make deliveries of the product within a reasonable time or to make a refund therefor.

14. Knowingly fails to identify flood-damaged or water-damaged goods as to such damages.

15. Solicits by telephone or door to door as a seller, unless the seller identified himself, whom he represents and the purpose of his call within 30 seconds after beginning the conversation.

16. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

17. Knowingly violates the provisions of sections 4 to 7, inclusive, of this act, relating to repair of consumer goods.

Section 11. NRS 598.510 is hereby amended to read as follows:

598.510 When the commissioner has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request such person to file a statement or report in writing under oath or otherwise, on such forms as shall be prescribed by the commissioner, as to all facts and circumstances concerning the sale or advertisement of property or the service of consumer goods as defined in section 3 of this act by such person, and such other data and information as he may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property or the service of consumer goods as defined in section 3 of this act.

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the consumer affairs division of the department of commerce, of any record, book, docu-

ment, account or paper examined, as provided in subsection 3 of this section, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.530 and 598.540.

5. Pursuant to an order of any district court, impound any sample of property which is material to such deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.360 to 598.640, inclusive. An order shall not be issued pursuant to this subsection unless the commissioner and the court give the accused full opportunity to be heard and unless the commissioner proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

Section 12. NRS 598.530 is hereby amended to read as follows:
598.530 If any person fails to cooperate with any investigation, as provided in NRS 598.510, or if any person fails to obey a subpoena issued by the commissioner, the commissioner may apply to any district court for equitable relief. Such application shall state reasonable grounds showing that such relief is necessary to terminate or prevent a deceptive trade practice. If the court is satisfied of such reasonable grounds, the court may:

1. Grant injunctive relief restraining the sale or advertisement of any property or the service of consumer goods as defined in section 3 of this act by such person.

2. Require the attendance of or the production of documents by such person, or both.

3. Grant other relief necessary to compel compliance by such person.

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Section 13. NRS 598.640 is hereby amended to read as follows:

598.640 1. Any person who violates any court order or injunction issued pursuant to NRS 598.360 to 598.630, inclusive, upon a complaint brought by the commissioner or the district 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 \$10,000 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 NRS 598.360 to 598.630, inclusive.

2. In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, if the court finds that any person has willfully engaged in a deceptive trade practice enumerated in subsections 1 to 16, inclusive, of NRS 598.410, the commissioner or the district attorney of any county in this state bringing such action may recover a civil penalty not to exceed \$2,500 for each violation.

3. Any person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice enumerated in NRS 598.410 shall be punished:

(a) For the first or second offense, for a misdemeanor.

(b) For the third offense and all subsequent offenses, for a gross misdemeanor.

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

Section 14. NRS 108.370 is hereby amended to read as follows:

108.370 1. Every Subject to the provisions of section 8 of this act, every person, firm or corporation engaged in performing work upon any watch, clock or jewelry, for a price, shall have a lien upon the watch, clock or jewelry for the amount of any account that may be due for the work done thereon. The lien shall also include the value or agreed price, if any, of all materials furnished by the lienholder in connection with the work.

2. If any account for work done or materials furnished shall remain unpaid for 1 year after completing the work, the lienholder may, upon 30 days' notice in writing to the owner specifying the amount due and informing him that the payment of the amount due within 30 days will entitle him to redeem the property, sell any such article or articles at public or bona fide private sale to satisfy the account.

3. The notice may be served by registered or certified mail with return receipt demanded, directed to the owner's last-known address, or, if the owner or his address be unknown, it may be posted in two public places in the town or city where the property is located.

4. The proceeds of the sale, after paying the expenses thereof, shall first be applied to liquidate the indebtedness secured by the lien, and the balance, if any, shall be paid over to the owner.

5. Nothing contained in this section shall be construed as preventing the lienholder from waiving the lien herein provided for, and suing upon the amount if he elects to do so.

S. B. 301

SENATE BILL NO. 301—COMMITTEE ON
COMMERCE AND LABOR

MARCH 5, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Regulates ^{repair} repair work on consumer goods and provides penalties.
Fiscal Note: No. (BDR 52-229)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to trade regulations and practices; regulating ^{repair} repair work on consumer goods by setting requirements respecting work orders, statements of charges, disclosure, notice, customer's consent and the return of replaced parts; providing definitions; making certain acts a deceptive trade practice; providing civil and criminal penalties; ~~repealing NRS 487.025, relating to statement of charges for automobile repairs;~~ and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 598 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.
- 3 SEC. 2. *As used in this chapter, "person" means any natural person,*
- 4 *corporation, partnership, association or other legal entity.*
- 5 SEC. 3. *As used in sections 3 to 10, inclusive, of this act, unless the*
- 6 *context requires otherwise:*
- 7 1. "Appliances" includes but is not limited to air conditioners, refrig-
- 8 erators, freezers, ranges, ovens, dishwashers, washing machines, clothes
- 9 dryers, garbage disposals and trash compactors.
- 10 2. "Consumer goods" means any article, product or commodity of
- 11 any kind or class which is used or bought for use primarily for personal,
- 12 family or household purposes. The term includes appliances, bicycles,
- 13 ~~boats, home electronic equipment, mobile homes, motor vehicles, sewing~~
- 14 ~~machines, trailers~~ and typewriters.
- 15 3. "Home electronic equipment" includes but is not limited to calcu-
- 16 lators, television sets, radios, phonographs, amplifiers, tuners and other
- 17 audio or video recording or playback equipment and components.
- 18 ~~4. "Mobile home" is defined as in NRS 482.067.~~
- 19 ~~5. "Motor vehicle" is defined as in NRS 482.075.~~
- 20 6. "Repair dealer" means a person who, for compensation, engages
- in "service dealer"

in the business of repairing, servicing, maintaining or diagnosing malfunctions of consumer goods, but does not include a person performing repairs that he is licensed to perform by the state contractors' board.

"Service" or "service work"

5. "Repair" or "repair work" means all repairing, servicing, maintaining or diagnosing of malfunctions of consumer goods for compensation.

8. "Trailer" is defined as in NRS 482.125.

~~Section 4. 1. Except as otherwise provided in subsection 2, before a repair dealer performs upon consumer goods any diagnostic work for which a charge is to be made, or any repair work for which a charge of more than \$10 is to be made, he shall show the customer a work order indicating the total estimated charge for the labor and parts necessary for such work. Whenever a work order is required by this section, no work may be done, and no charges accrue before the customer signs and is given a copy of such work order.~~

see attached section following this page

2. A ^{service} repair dealer may charge for the making of a service call without having obtained written authorization from the customer, but the ^{service} repair dealer shall orally inform the customer of the amount of any such charge at the time the customer requests the service call.

3. If a charge is to be made for diagnosing a malfunction, or for reassembling the unit if the customer does not authorize repairs, the ^{service} repair dealer shall disclose each such charge to the customer orally as well as in the work order authorizing such diagnosis or any disassembly or reassembly.

Section 5. No charge may be made for ^{service} repair work done or parts supplied in excess of the price estimated in the work order without the consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the additional parts are supplied.

Section 6. 1. All ^{service} repair work done by a ^{service} repair dealer, including all warranty work, shall be recorded on a statement of charges which shall contain:

- (a) A description of all repair work done and parts supplied;
- (b) If the customer so requests at the time the work order is taken, an itemization of each part supplied with its part number and price, but miscellaneous small parts may be collectively described and priced;
- (c) A clear identification as such of any used, rebuilt or reconditioned part supplied;
- (d) The fact that a part of a component system repaired is composed of both new and used, rebuilt or reconditioned parts, where that is the case;
- (e) The fact that any part of the repair work was subcontracted to another ^{service} repair dealer, where that is the case;
- (f) Separate subtotals of charges for ^{service} repair work and for parts, not

1.(a) If a customer requests an estimate for repairs necessary for a specific job, the service dealer shall make such an estimate in writing, which estimate shall include parts and labor, and the service dealer may not charge for work done or parts supplied in excess of the estimate without prior consent of the customer. The estimate shall be signed by the customer and by the repair dealer or by a person authorized by the repair dealer to make the estimate, and a copy of the estimate shall be given to customer before any work is started.

(b) If a service dealer intends to charge a fee for preparing a written estimate, he shall advise the customer of the amount of such fee in writing prior to the preparation of said written estimate.

(c) No service dealer shall charge for work done or parts supplied in excess of the written estimate without prior oral or written consent of the customer; and if such consent is oral, the service dealer shall make a notation on the invoice of the date, time, name of the person authorizing the additional repairs, telephone number, if any, name of the person receiving such oral consent, conditions of such consent, if any, together with a specification of the additional parts and labor and the total additional cost.

including sales tax, and separate statements of the sales tax, if any, applicable to each subtotal;

(g) The hourly rate of labor and the number of hours charged, and

(h) The fact that the hours charged are not the actual hours worked, but are an estimate by a flat-rate manual, where that is the case, and in such case, the flat-rate manual shall be identified by name.

2. The ^{service} repair dealer shall give one copy of the statement of charges to the customer and retain one copy in his files for at least 2 years.

Section 7. If the customer so requests at the time the work order is taken, the ^{service} repair dealer shall return replaced parts to the customer at the time of the completion of the work, except such parts as the ^{service} repair dealer must return to the manufacturer or distributor under a warranty arrangement. If parts must be returned to the manufacturer or distributor, the dealer at the time the work order is taken shall offer to show, and upon acceptance of such offer shall show, such parts to the customer upon completion of the work.

Section 8. The consumer affairs division of the department of commerce shall design and approve a sign which shall be placed in all ^{service} repair dealer locations in a place and manner conspicuous to the public. The sign shall give the customer notice of the provisions of sections 4 to 7, inclusive, of this act. The sign shall also notify the customer that inquiries and complaints regarding ^{service} repair work may be made to the attention of the consumer affairs division of the department of commerce and shall state the division's address and telephone number.

Section 9. A ^{service} repair dealer who has performed diagnostic or ^{service} repair work upon consumer goods shall not detain such goods pursuant to a common law or statutory lien for such work, and is not otherwise entitled to the benefit of such lien, or to sue on any contract for the ^{service} repair work done by him, unless he has complied with the requirements of sections 4 to 8, inclusive, of this act.

Section 10. 1. Any person who, in the course of his business or occupation, knowingly violates the provisions of sections 4 to 8, inclusive, of this act is engaging in a deceptive trade practice. Any such violation is subject to the provisions of NRS 598.360 to 598.640, inclusive.

2. The attorney general, commissioner of consumer affairs or any district attorney may bring an action to recover from any person who fails to comply in any material respect with the provisions of sections 4 to 8, inclusive, of this act a civil penalty as follows:

(a) \$250 for the first violation.

(b) \$500 for the second violation.

(c) \$1,000 for the third or any subsequent violation.

In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, the civil penalty provided in this subsection may be recovered in addition to the penalties provided in subsections 1 and 3 of NRS 598.640.

3. Such civil penalties shall be in addition to any other penalty or remedy available for the enforcement of sections 4 to 8, inclusive, of this act.

4. For any violation by an employee of a ^{service} ~~repair~~ dealer, the employee and the ~~repair~~ dealer are jointly liable.

1 SEC. 11. NRS 598.410 is hereby amended to read as follows:
2 598.410 A person engages in a "deceptive trade practice" when in
3 the course of his business or occupation he:
4 1. Knowingly passes off goods or services as those of another.
5 2. Knowingly makes a false representation as to the source, sponsor-
6 ship, approval or certification of goods or services.
7 3. Knowingly makes a false representation as to affiliation, connec-
8 tion, association with or certification by another.
9 4. Uses deceptive representations or designations of geographic origin
10 in connection with goods or services.
11 5. Knowingly makes a false representation as to the characteristics,
12 ingredients, uses, benefits, alterations or quantities of goods or services
13 or a false representation as to the sponsorship, approval, status, affiliation
14 or connection of a person therewith.
15 6. Represents that goods are original or new if he knows or should
16 know that they are deteriorated, altered, reconditioned, reclaimed, used
17 or secondhand.
18 7. Represents that goods or services are of a particular standard,
19 quality or grade, or that goods are of a particular style or model, if he
20 knows or should know that they are of another.
21 8. Disparages the goods, services or business of another by false or
22 misleading representation of fact.
23 9. Advertises goods or services with intent not to sell them as adver-
24 tised.
25 10. Advertises goods or services with intent not to supply reasonably
26 expectable public demand, unless the advertisement discloses a limitation
27 of quantity.
28 11. Advertises under the guise of obtaining sales personnel when in
29 fact the purpose is to first sell a product or service to the sales personnel
30 applicant.
31 12. Makes false or misleading statements of fact concerning the price
32 of goods or services, or the reasons for, existence of or amounts of price
33 reductions.
34 13. Employs "bait and switch" advertising, which consists of an
35 attractive but insincere offer to sell a product or service which the seller
36 in truth does not intend or desire to sell, accompanied by one or more of
37 the following practices:
38 (a) Refusal to show the product advertised.
39 (b) Disparagement in any material respect of the advertised product or
40 the terms of sale.
41 (c) Requiring tie-in sales or other undisclosed conditions to be met
42 prior to selling the advertised product or service.
43 (d) Refusal to take orders for the product advertised for delivery
44 within a reasonable time.
45 (e) Showing or demonstrating a defective product which is unusable
46 or impractical for the purposes set forth in the advertisement.
47 (f) Accepting a deposit for the product and subsequently switching the
48 purchase order to a higher priced item.
49 (g) Failure to make deliveries of the product within a reasonable time
50 or to make a refund therefor.

1 14. Knowingly fails to identify flood-damaged or water-damaged
2 goods as to such damages.

3 15. Solicits by telephone or door to door as a seller, unless the seller
4 identifies himself, whom he represents and the purpose of his call within
5 30 seconds after beginning the conversation.

6 16. Knowingly states that services, replacement parts or repairs are
7 needed when no such services, replacement parts or repairs are actually
8 needed.

9 17. Knowingly violates the provisions of sections 4 to 8, inclusive, of
10 this act, relating to repair of consumer goods.

11 SEC. 12. NRS 598.510 is hereby amended to read as follows:

12 598.510 When the commissioner has cause to believe that any person
13 has engaged or is engaging in any deceptive trade practice, he may:

14 1. Request such person to file a statement or report in writing under
15 oath or otherwise, on such forms as shall be prescribed by the commis-
16 sioner, as to all facts and circumstances concerning the sale or advertise-
17 ment of property or the ~~repair~~ of consumer goods as defined in section 3
18 of this act by such person, and such other data and information as he may
19 deem necessary.

20 2. Examine under oath any person in connection with the sale or
21 advertisement of any property [.] or the ~~repair~~ of consumer goods as
22 defined in section 3 of this act.

23 3. Examine any property or sample thereof, record, book, document,
24 account or paper as he may deem necessary.

25 4. Make true copies, at the expense of the consumer affairs division
26 of the department of commerce, of any record, book, document, account
27 or paper examined, as provided in subsection 3 of this section, which
28 copies may be offered into evidence in lieu of the originals thereof in
29 actions brought pursuant to NRS 598.530 and 598.540.

30 5. Pursuant to an order of any district court, impound any sample of
31 property which is material to such deceptive trade practice and retain the
32 property in his possession until completion of all proceedings as provided
33 in NRS 598.360 to 598.640, inclusive. An order shall not be issued pur-
34 suant to this subsection unless the commissioner and the court give the
35 accused full opportunity to be heard and unless the commissioner proves
36 by clear and convincing evidence that the business activities of the accused
37 will not be impaired thereby.

38 SEC. 13. NRS 598.530 is hereby amended to read as follows:

39 598.530 If any person fails to cooperate with any investigation, as
40 provided in NRS 598.510, or if any person fails to obey a subpoena issued
41 by the commissioner, the commissioner may apply to any district court
42 for equitable relief. Such application shall state reasonable grounds show-
43 ing that such relief is necessary to terminate or prevent a deceptive trade
44 practice. If the court is satisfied of such reasonable grounds, the court
45 may:

46 1. Grant injunctive relief restraining the sale or advertisement of any
47 property or the ~~repair~~ of consumer goods as defined in section 3 of this act
48 by such person.

49 2. Require the attendance of or the production of documents by such
50 person, or both.

1 3. Grant other relief necessary to compel compliance by such person.

2 SEC. 14. NRS 598.640 is hereby amended to read as follows:

3 598.640 1. Any person who violates any court order or injunction
4 issued pursuant to NRS 598.360 to 598.630, inclusive, upon a complaint
5 brought by the commissioner or the district attorney of any county of this
6 state shall forfeit and pay to the general fund in the state treasury a civil
7 penalty of not more than \$10,000 for each violation. For the purpose of
8 this section, the court issuing any such order or injunction shall retain
9 jurisdiction over any such action or proceeding. Such civil penalties shall
10 be in addition to any other penalty or remedy available for the enforce-
11 ment of the provisions of NRS 598.360 to 598.630, inclusive.

12 2. In any action brought pursuant to NRS 598.540 and NRS 598.570
13 to 598.600, inclusive, if the court finds that any person has willfully
14 engaged in a deceptive trade practice enumerated in *subsections 1 to 16,*
15 *inclusive,* of NRS 598.410, the commissioner or the district attorney of
16 any county in this state bringing such action may recover a civil penalty
17 not to exceed \$2,500 for each violation.

18 3. Any person, firm, or any officer or managing agent of any corpora-
19 tion or association who knowingly and willfully engages in a deceptive
20 trade practice enumerated in NRS 598.410 shall be punished:

21 (a) For the first or second offense, for a misdemeanor.

22 (b) For the third offense and all subsequent offenses, for a gross mis-
23 demeanor.

24 4. As used in this section the term "violation" includes a repetitive
25 or continuous violation arising out of the same act.

26 ~~Sec. 15. NRS 108.270 is hereby amended to read as follows:~~

27 108.270 Subject to the provisions of NRS 108.315 [.] and section
28 9 of this act, any person or persons, company or corporation engaged in
29 the business of buying or selling automobiles or airplanes, or keeping a
30 garage or airport, or place for the storage, maintenance, keeping or repair
31 of motor vehicles or airplanes, motorcycles, motor or airplane equipment,
32 or trailers, or keeping a trailer park for rental of parking space for
33 trailers, and who in connection therewith stores, maintains, keeps or
34 repairs any motor vehicle, airplane, motorcycle, motor or airplane equip-
35 ment, or trailer, or furnishes accessories, facilities, services or supplies
36 therefor, at the request or with the consent of the owner or its or his
37 representatives, or at the direction of any peace officer or other author-
38 ized person who orders the towing or storage of any vehicle through
39 any action permitted by law, has a lien upon such motor vehicle, airplane,
40 motorcycle, motor or airplane equipment, or trailer, or any part or parts
41 thereof for the sum due for such towing, storing, maintaining, keeping
42 or repairing of such motor vehicle, airplane, motorcycle, motor or air-
43 plane equipment, or trailer, or for labor furnished thereon, or for furnish-
44 ing accessories, facilities, services or supplies therefor, and for all costs
45 incurred in enforcing such lien, and may, without process of law, detain
46 such motor vehicle, airplane, motorcycle, motor or airplane equipment,
47 or trailer at any time it is lawfully in his possession until such sum is paid.

48 SEC. 16 NRS 108.370 is hereby amended to read as follows:

49 108.370 1. [Every] Subject to the provisions of section 9 of this
50 act, every person, firm or corporation engaged in performing work upon

1 any watch, clock or jewelry, for a price, shall have a lien upon the watch,
2 clock or jewelry for the amount of any account that may be due for the
3 work done thereon. The lien shall also include the value or agreed price,
4 if any, of all materials furnished by the lienholder in connection with the
5 work.

6 2. If any account for work done or materials furnished shall remain
7 unpaid for 1 year after completing the work, the lienholder may, upon
8 30 days' notice in writing to the owner specifying the amount due and
9 informing him that the payment of the amount due within 30 days will
10 entitle him to redeem the property, sell any such article or articles at
11 public or bona fide private sale to satisfy the account.

12 3. The notice may be served by registered or certified mail with
13 return receipt demanded, directed to the owner's last-known address, or,
14 if the owner or his address be unknown, it may be posted in two public
15 places in the town or city where the property is located.

16 4. The proceeds of the sale, after paying the expenses thereof, shall
17 first be applied to liquidate the indebtedness secured by the lien, and the
18 balance, if any, shall be paid over to the owner.

19 5. Nothing contained in this section shall be construed as preventing
20 the lienholder from waiving the lien herein provided for, and suing upon
21 the amount if he elects to do so.

22 ~~Sec. 17. NRS 108.670 is hereby amended to read as follows:~~

23 ~~108.670 1. Every boat or vessel used in navigating the waters of
24 this state or constructed in this state is subject to a lien:~~

25 ~~(a) For wages due to persons employed, for work done or services
26 rendered on board such boat or vessel.~~

27 ~~(b) [For] Subject to the provisions of section 9 of this act, for all
28 debts due to persons, firms or corporations by virtue of a contract,
29 express or implied, with the owners of a boat or vessel, or with the
30 agents, contractors or subcontractors of such owner, or with any person
31 having them employed to construct, repair or launch such boat or vessel,
32 on account of labor done or materials furnished by mechanics, tradesmen
33 or others in the building, repairing, fitting and furnishing or equipping
34 such boat or vessel, or on account of stores or supplies furnished for the
35 use thereof, or on account of launchways constructed for the launching
36 of such boat or vessel.~~

37 ~~(c) For all sums for wharfage, anchorage or towage of such boat or
38 vessel within this state.~~

39 ~~(d) For all costs incurred in enforcing such lien.~~

40 ~~2. Any person, firm or corporation entitled to a lien as provided in
41 subsection 1 may, without process of law, detain such boat or vessel at
42 any time it is lawfully in his possession until the sum due to him is paid.~~

43 ~~3. The classes of claims specified in subsection 1 shall have priority
44 according to the order in which they are enumerated.~~

45 ~~Sec. 18. NRS 686A.300 is hereby amended to read as follows:~~

46 ~~686A.300 1. An insurer who issues vehicle insurance shall not delay
47 making payment for any motor vehicle physical damage claim after
48 receiving a statement of charges, pursuant to the provisions of [NRS
49 487.035.] section 5 of this act, from any person or garage previously~~

1 authorized by the insurer to perform the repair work required by such
2 physical damage claim.

3 2. A delay, within the meaning of this section, is failure to issue a
4 check or draft, payable to the person repairing or to the insured and
5 person repairing jointly, within 30 days after the insurer's receipt of the
6 statement of charges for repair work which has been satisfactorily com-
7 pleted.

8 Sec. 16. ~~NRS 487.035, 598.190 and 598.430~~ are hereby repealed.

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SENATE BILL NO. 300

SECTION 1: Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12 inclusive, of this act.

SECTION 2: As used in sections 2 to 12 inclusive, of this act, unless the context otherwise requires:

1. "Garage" means any business establishment, sole proprietorship, firm, corporation, association or other legal entity that engages in the business of repairing, modifying or performing maintenance work, including all warranty work, on motor vehicles.
2. "Garageman" means any person who owns, operates, controls or manages a garage.
3. "Motor vehicle" means every self-propelled device in, upon or by which any person is or may be transported or drawn upon a public highway, excepting devices used exclusively upon stationary rails or tracks.
4. "person" means any natural person, corporation, firm, association, partnership, agent, employee and other legal entity capable of having legal rights and responsibilities.

SECTION 3: Whenever any garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, modification or maintenance work, including all warranty work, *for which a charge of more than \$ 25.00 is to be made,* he shall comply with the provisions of *be made,* sections 4 to 10, inclusive, of this act.

SECTION 4: 1. A garageman shall disclose orally and in the work order 433 authorizing a diagnosis if a charge will be made for:

(a) Diagnosing a malfunction.

(b) Reassembling a motor vehicle if the customer does not authorize the repair, modification or maintenance after the motor vehicle has been disassembled.

2. The amount of any charge under subsection 1 shall be disclosed prior to the diagnosis.

SECTION 5: 1. The person authorizing the repair, modification or maintenance, including all warranty work, of a motor vehicle shall be furnished a work order that indicates the total estimated charge for all parts and labor necessary for a specific job.

2. The work order shall be signed by the garageman or by a person authorized by the garageman to make the estimate or statement.

3. The person authorizing the repair, modification or maintenance, including all warranty work, shall sign and be given a copy of the work order before any work is started.

SECTION 6: 1. The consent of the person authorizing the repair, modification or maintenance work, including all warranty work, shall be obtained for any additional charges necessary for the performance of such work, [^]if the additional charges were not included in the original estimate or statement.

which exceed the total estimated charge by 20% or \$50.00, whichever is the lesser,

SECTION 7: Upon request of the customer at the time the work order is taken, the automotive repair dealer shall return replaced parts to the customer at the time of the completion of the work excepting such parts as may be exempt because of size, weight, or other similar factors from this requirement by regulations of the department and excepting such parts as the automotive repair dealer is required to return to the manufacturer or distributor under a warranty arrangement. If such parts must be returned to the manufacturer or distributor, the dealer at the time the work order is taken shall offer to show, and upon acceptance of such offer or request shall show, such parts to the customer upon completion of the work, except that the dealer shall not be required to show a replaced part when no charge is being made for the replacement part.

SECTION 8: 1. A garageman shall furnish the person authorizing the repair, modification or maintenance of a motor vehicle, including all warranty work, or the person entitled to possession of the motor vehicle an invoice of the charges which shall contain the following information:

- (a) The name of the person authorizing the repairs;
- (b) A statement of the total charges with separate subtotal prices for service work and parts and the amount of sales tax applicable to each subtotal;

(c) An itemization and description of all parts used to repair the motor vehicle and the total charge for each part. The invoice shall clearly state if:

(1) Any used, rebuilt or reconditioned parts were used;

(2) A part of a component system is composed of new and used, rebuilt or reconditioned parts; and

(3) Any work was subcontracted to another person;

(d) The hourly rate of labor and the number of hours charged. If the hours charged are not the actual hours worked, but are hours as determined by a flat-rate manual, the invoice shall indicate that fact and shall identify the flat-rate manual by name; and

(e) A description of all other charges.

2. In the case of a motor vehicle registered in the State of Nevada no lien for labor or materials provided under NRS 108.267 to 108.360, inclusive, may be enforced by sale or otherwise unless an invoice as described in subsection 1 has been given by delivery in person or by certified mail to the last-known address of the registered and the legal owner of the motor vehicle. In all other cases such notice shall be made to the last-known address of the registered owner and other person known to have or to claim an interest in the motor vehicle.

SECTION 9: The garageman shall retain copies of any work order or invoice required by sections 4 to 8, inclusive, of this act, as an ordinary business record of the garage, for a period of not less than 1 year from the date such work order or invoice is signed.

SECTION 10: A garageman who has performed diagnostic or repair work upon a motor vehicle shall not detain the motor vehicle pursuant to a common law or statutory lien for such work, or otherwise have the benefit of such lien, nor shall he have the right to sue on any contract for the repairs done by him, unless he has complied with the requirements of sections 4 to 10, inclusive, of this act.

SECTION 11:

1. The consumer affairs division of the department of commerce shall design and approve a sign which shall be placed in all garages in a place and manner conspicuous to the public.
2. The sign shall give the customer notice of the provisions of sections 4 to 10, inclusive, of this act and shall include a statement that:
 - (a) Inquiries and complaints regarding service may be made to the garageman; and
 - (b) Unresolved complaints may be brought to the attention of the consumer affairs division of the department of commerce.
3. The sign shall list the address and telephone number of the consumer affairs division of the department of commerce.

SECTION 12:

1. Any person who, in the course of his business or occupation, knowingly violates the provisions of sections 4-11, inclusive, of this act is engaging in a deceptive trade practice. Any such violation is subject to the provisions of NRS 598.360 to 598.640, inclusive.
2. The attorney general, commissioner of consumer affairs or any district attorney may bring an action to recover from any person who fails to comply in any material respect with the provisions of sections 4 to 8, inclusive, of this act a civil penalty as follows:
 - (a) \$250 for the first violation.
 - (b) \$500 for the second violation.
 - (c) \$1,000 for the third or any subsequent violation.

In any action brought pursuant to NRS 598.540 and NRS 598.570 to 598.600, inclusive, the civil penalty provided in this subsection may be recovered in addition to the penalties provided in subsections 1 and 3 of NRS 598.640.

3. Such civil penalties shall be in addition to any other penalty or remedy available for the enforcement of sections 4 to 11, inclusive, of this act.
4. For any violation by an employee of a repair dealer, the employee and the repair dealer are jointly liable.

SECTION 13:

NRS 686A.300 is hereby amended to read as follows:

- 686A.300 1. An insurer who issues vehicle insurance shall not delay making payment for any motor vehicle physical damage claim after receiving a statement of charges, pursuant to the provisions of [NRS 487.035,]

section 8 of this act, from any person or garage previously authorized by the insurer to perform the repair work required by such physical damage claim.

2. A delay, within the meaning of this section, is failure to issue a check or draft, payable to the person repairing or to the insured and person repairing jointly, within 30 days after the insurer's receipt of the statement of charges for repair work which has been satisfactorily completed.

SECTION 14: NRS 487.035 is hereby repealed.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 28

**ASSEMBLY BILL NO. 28—ASSEMBLYMEN DREYER, LOWMAN,
HAYES, CRADDOCK AND DEMERS**

JANUARY 22, 1975

 Referred to Committee on Commerce

SUMMARY—Provides for state fire marshal to adopt minimum standards on installation of mobile homes in mobile home parks. Fiscal Note: No. (BDR 43-120)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT to amend NRS 489.280, relating to the powers and duties of the state fire marshal in connection with mobile home and travel trailer standards; eliminating certain rulemaking powers; providing for the adoption of minimum state standards on installation of mobile homes in mobile home parks; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 **SECTION 1.** NRS 489.280 is hereby amended to read as follows:
 2 489.280 The state fire marshal, with the approval of the commis-
 3 sion:
 4 1. Shall make and promulgate rules and regulations embodying the
 5 fundamental principles adopted, recommended or issued by:
 6 (a) The American National Standards Institute (ANSI) *standard*
 7 *A119.3 with respect to mobile home parks*, standard A119.1 with respect
 8 to mobile homes, and standard A119.2 with respect to travel trailers; or
 9 (b) The National Fire Protection Association (*NFPA*) *standard*
 10 *501-A with respect to mobile home parks*, standard 501-B with respect
 11 to mobile homes and standard 501-C with respect to travel trailers.
 12 2. [May make and promulgate rules and regulations embodying
 13 standards higher than those in paragraphs (a) and (b) of subsection 1
 14 if the public health, welfare and safety require it.
 15 3.] May make and promulgate rules and regulations pertaining to
 16 the body and frame design and construction requirements and plumbing,
 17 heating and electrical systems of mobile homes and travel trailers manu-
 18 factured prior to January 1, 1968, and may, make and promulgate rules
 19 and regulations pertaining to body and frame design and construction
 20 requirements for mobile homes and travel trailers constructed after Jan-
 21 uary 1, 1968 but before July 1, 1973.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 300

SENATE BILL NO. 300—COMMITTEE ON
COMMERCE AND LABOR

MARCH 5, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits unauthorized motor vehicle repair and requires cost estimates and invoices of charges. Fiscal Note: No. (BDR 52-1000)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the repair of motor vehicles; prohibiting unauthorized repair; requiring cost estimates; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 598 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this act.
- 3 SEC. 2. *As used in sections 2 to 13, inclusive, of this act, unless the*
4 *context otherwise requires:*
- 5 1. "Garage" means any business establishment, sole proprietorship,
6 firm, corporation, association or other legal entity that engages in the
7 business of repairing motor vehicles.
- 8 2. "Garage man" means any person who owns, operates, controls or
9 manages a garage.
- 10 3. "Motor vehicle" means:
11 (a) A motorcycle as defined in NRS 482.070;
12 (b) A motor truck as defined in NRS 482.073 if its gross vehicle weight
13 does not exceed 6,000 pounds; and
14 (c) A passenger car as defined in NRS 482.087.
- 15 4. "Person" means a natural person, corporation, firm, association
16 or partnership.
- 17 5. "Person authorizing repairs" includes an insurance company, its
18 agents or representatives, authorizing repairs to motor vehicles under a
19 policy of insurance.
- 20 6. "Repair" or "repairing" includes modifying and performing main-
21 tenance work on motor vehicles, but does not include lubrication or oil
22 change, repairing or changing tires, or replacing batteries, wiper blades,
23 fan belts or other minor accessories.
- 24 SEC. 3. Whenever any garage man accepts or assumes control of a

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 301

SENATE BILL NO. 301—COMMITTEE ON
COMMERCE AND LABOR

MARCH 5, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Regulates repair work on consumer goods and provides penalties.
Fiscal Note: No. (BDR 52-229)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.AN ACT relating to trade practices; regulating the performance of service work on
appliances and home electronic equipment; and providing other matters prop-
erly relating thereto.*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 598 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. *As used in this chapter, "person" means any natural person,
4 corporation, partnership, association or other legal entity.*
- 5 SEC. 3. *As used in sections 3 to 9, inclusive, of this act, unless the
6 context requires otherwise:*
- 7 1. *"Appliances" includes but is not limited to air conditioners, refrig-
8 erators, freezers, ranges, ovens, dishwashers, washing machines, clothes
9 dryers, garbage disposals and trash compactors.*
- 10 2. *"Electronic service dealer" means a person who, for compensa-
11 tion, engages in the business of repairing, servicing, maintaining or diag-
12 nosing malfunctions of appliances and home electronic equipment, but
13 does not include a person performing repairs that he is licensed to per-
14 form by the state contractors' board.*
- 15 3. *"Home electronic equipment" includes but is not limited to calcu-
16 lators, television sets, radios, phonographs, amplifiers, tuners and other
17 audio or video recording or playback equipment and components.*
- 18 4. *"Service" or "service work" means all repairing, servicing, main-
19 taining or diagnosing of malfunctions of appliances and home electronic
20 equipment for compensation.*
- 21 SEC. 4. 1. *If a customer requests an estimate for service work neces-
22 sary for a specific job, the electronic service dealer shall make a written
23 estimate of the total cost, including labor and parts. The estimate shall*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 256

ASSEMBLY BILL NO. 256—COMMITTEE ON
LABOR AND MANAGEMENT

FEBRUARY 13, 1975

Referred to Committee on Labor and Management

SUMMARY—Increases minimum wage for employees in private employment.
Fiscal Note; No. (BDR 53-900)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to employees; increasing the minimum wage payable to certain employees; providing exceptions with respect to certain types of employment; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 608.250 is hereby amended to read as follows:
2 608.250 1. The minimum wages which may be paid to [male per-
3 sons] employees in private employment within the state are as follows:
4 (a) For minors: [under 18 years of age:]
5 (1) From [July 1, 1973, until July 1, 1974, \$1.65 per hour.] July
6 1, 1975, until January 1, 1976, \$1.95 per hour.
7 (2) From [July 1, 1974, \$1.85 per hour.] January 1, 1976, \$2.15
8 per hour.
9 (b) For persons 18 years of age or older:
10 (1) From [July 1, 1973, until July 1, 1974, \$1.80 per hour.]
11 July 1, 1975, until January 1, 1976, \$2.10 per hour.
12 (2) From [July 1, 1974, \$2 per hour.] January 1, 1976, \$2.30
13 per hour.
14 2. *The minimum wages which shall be paid to employees within the*
15 *state who are included within the provisions of 29 U.S.C. § 206(a)(5)*
16 *(Fair Labor Standards Act of 1938, as amended) are as follows:*
17 (a) *From July 1, 1975, until January 1, 1976, \$1.80 per hour.*
18 (b) *From January 1, 1976, until January 1, 1977, \$2 per hour.*
19 (c) *From January 1, 1977, until January 1, 1978, \$2.20 per hour.*
20 (d) *From January 1, 1978, \$2.30 per hour.*
21 3. *The minimum wages which shall be paid to employees within the*
22 *state who are included within the provisions of 29 U.S.C. § 206(b) (Fair*
23 *Labor Standards Act of 1938, as amended) are as follows:*