

COMMERCE AND LABOR COMMITTEE

May 12, 1975

The meeting was called to order in Room #213 on Monday, May 12, 1975, at 6:40 p.m., with Senators Echols in the chair.

PRESENT: Senator Gene Echols
Senator Warren Monroe
Senator Richard Blakemore
Senator William Raggio
Senator Margie Foote*
Senator Richard Bryan*
Senator Gary Sheerin *

A.B. 27: Transfers licensing of dealers, manufacturers, rebuilders and salesmen of mobile homes and travel trailers from department of motor vehicles to state fire marshal division of department of commerce.

After a brief discussion, the following action was taken:

Senator Raggio moved to amend by striking Section 18.7.

Senator Monroe seconded the motion.

The vote was unanimous with Senators Sheerin, Bryan and Foote absent.

A.B. 265: This bill will be held.

A.B. 615: This bill will be held.

A.B. 656: Provides financial protection to certain persons involved in construction work.

After a brief discussion the following action was taken:

Senator Monroe moved to indefinitely postpone.

Senator Raggio seconded the motion.

There was discussion on the motion, after which the vote was taken.

The vote was: Senators Monroe, Raggio, Foote and Echols voted aye.

Senators Bryan, Sheerin and Blakemore voted no.

The motion carried.

A.B. 375: The amendments to the bill were discussed after which the following action was taken:

over

Senator Foote moved to amend and do pass.
Senator Blakemore seconded the motion.
The vote was unanimous with all members present and voting.

A.B. 265: Requires good-faith performance of franchises between service station operators and petroleum distributors and provides sanctions for any breach.

Assemblyman Getto had obtained the amendment which would amend in the consignee.

Senator Blakemore moved to amend and do pass.
The motion died for lack of a second.

Further discussion followed after which Senator Bryan moved Senator Raggio be appointed as a subcommittee of one to get further amendments.
Senator Blakemore seconded the motion.
The motion died for lack of question.

After further discussion, it was decided to have Frank Daykin draw up amendments.

A.B. 615: Senator Sheerin had the amendments which were discussed in committee the previous Friday. Gene Milligan, Nevada Association of Realtors, agrees with the amendments. After a short discussion, the following action was taken.

Senator Blakemore moved to amend and do pass.
Senator Monroe seconded the motion.
The vote was unanimous with all members present and voting.

A.B. 656: Senator Bryan moved to reconsider.
Senator Blakemore seconded the motion.
Senator Monroe voted no. Senators Sheerin, Echols, Blakemore, Bryan, Foote and Raggio voted aye. The motion carried.

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Senator Raggio then moved to hold the bill.

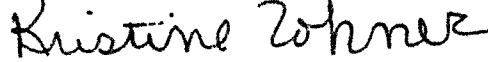
Senator Foote seconded the motion.

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

The motion carried.

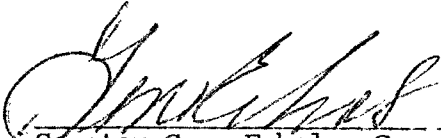
There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted:



Kristine Zohner, Committee Secretary

APPROVED BY:



Senator Gene Echols, Committee Chairman

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 27

ASSEMBLY BILL NO. 27—ASSEMBLYMEN DREYER,
LOWMAN, HAYES, CRADDOCK AND DEMERS

JANUARY 22, 1975

— o —
Referred to Committee on Commerce

SUMMARY—Transfers licensing of dealers, manufacturers, rebuilders and salesmen of mobile homes and travel trailers from department of motor vehicles to state fire marshal division of department of commerce. Fiscal Note: Yes. (BDR 43-121)



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

AN ACT transferring the licensing of dealers, manufacturers, rebuilders and salesmen of mobile homes from the department of motor vehicles to the state fire marshal division of the department of commerce; providing penalties; 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 489 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 18.3, inclusive, of this act.
- 3 SEC. 2. *“Dealer” means any person who:*
- 4 1. *For compensation, money or other things of value, sells, exchanges,*
5 *buys or offers for sale, negotiates or attempts to negotiate a sale or*
6 *exchange of an interest in a mobile home subject to the requirements*
7 *under this chapter or induces or attempts to induce any person to buy*
8 *or exchange an interest in a mobile home;*
- 9 2. *Receives or expects to receive a commission, money, brokerage*
10 *fees, profit or any other thing of value from either the seller or purchaser*
11 *of any mobile home; or*
- 12 3. *Is engaged wholly or in part in the business of selling mobile homes*
13 *or buying or taking in trade mobile homes for the purpose of resale, sell-*
14 *ing, or offering for sale or consignment to be sold or otherwise dealing*
15 *in mobile homes,*
16 *whether or not such mobile homes are owned by such persons.*
- 17 SEC. 3. 1. *“Established place of business” means an enclosed building*
18 *or structure owned either in fee or leased with sufficient space to conduct*
19 *the business of the dealer and large enough to accommodate the office or*
20 *offices of the dealer and to provide a safe place to keep the books and*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 656

ASSEMBLY BILL NO. 656—ASSEMBLYMAN BANNER

APRIL 16, 1975

Referred to Committee on Commerce

SUMMARY—Provides financial protection to certain persons involved in construction work. Fiscal Note: No. (BDR 54-1738)

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

AN ACT relating to contractors; permitting contractors and subcontractors to stop work or terminate a contract or subcontract in certain cases where they have not been paid; 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 624 of NRS is hereby amended by adding
 2 thereto a new section which shall read as follows:
 3 1. *If, through no fault or act of a prime contractor or anyone*
 4 *employed by him, the owner fails to pay such contractor pursuant to*
 5 *their contract payment schedule, or within a reasonable time after matu-*
 6 *rity and presentation of charges where no payment schedule is established,*
 7 *any sum certified by the architect, engineer or other supervisory agent*
 8 *of the owner, or such sum as is otherwise properly due, or if the owner*
 9 *through his own act or neglect, excluding acts of God, floods, fires or*
 10 *strikes, causes the work to be stopped for a period of 5 working days or*
 11 *more, then the contractor may, after 5 working days' written notice*
 12 *to the owner, stop work or terminate the contract and recover from the*
 13 *owner payment for all work executed.*
 14 2. *If, through no fault of a subcontractor or anyone employed by*
 15 *him, the contractor fails to pay such subcontractor pursuant to the subcon-*
 16 *tract payment schedule, or within a reasonable time after maturity and*
 17 *presentation of charges where no payment schedule is established, any sum*
 18 *certified by the architect, engineer or other supervisory agent of the owner*
 19 *or contractor, or such sum as is otherwise properly due, or if the contrac-*
 20 *tor through his own acts or neglect, excluding acts of God, floods, fires or*
 21 *strikes, causes the work to be stopped for a period of 5 working days or*
 22 *more, then the subcontractor may, after 5 working days' written notice to*
 23 *the owner and the contractor, stop work or terminate the subcontract and*
 24 *recover from the contractor payment for all work executed.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIFTH REPRINT

A. B. 375

ASSEMBLY BILL NO. 375—ASSEMBLYMEN ROBINSON, HOWARD, JACOBSEN, HARMON, DEMERS, MANN, PRICE, HICKEY, VERGIELS, LOWMAN, WITTENBERG AND ASHWORTH

MARCH 6, 1975

Referred to Committee on Commerce

SUMMARY—Redefines subdivision and provides for record of survey maps. Fiscal Note: No. (BDR 22-1204)

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

AN ACT relating to planning and zoning; revising provisions relating to subdivisions; making special provisions for parcel maps; 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 278 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.
- 3 SEC. 2. 1. *If, in the opinion of the county surveyor, the errors or*
4 *omissions discovered in a recorded subdivision plat, record of survey,*
5 *reversionary map or parcel map are of a minor nature and the correction*
6 *does not change or purport to change the physical location of any survey*
7 *monument, property line or boundary line, he may allow a certificate of*
8 *amendment to be filed and recorded.*
- 9 2. *The certificate of amendment shall:*
- 10 (a) *Be entitled "Certificate of Amendment" and be in the form of a*
11 *letter to the county surveyor.*
- 12 (b) *Specify the title and recording data of the map being amended.*
- 13 (c) *Be concise and definite.*
- 14 (d) *Set forth the data being amended and the correction or omission.*
- 15 (e) *Set forth the names and last-known addresses of all record fee own-*
16 *ers of property affected by the amendment.*
- 17 (f) *Be dated, signed and sealed by the surveyor.*
- 18 (g) *Contain the following certificate at the end thereof:*
19 *I hereby certify that I have examined the certificate of amendment*
20 *and that the changes to the original map specified therein are pro-*
21 *vided for in NRS 278.010 to 278.630, inclusive, and sections 2 to*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 615

ASSEMBLY BILL NO. 615—ASSEMBLYMEN GETTO, WEISE,
HEANEY, HOWARD, DEMERS, HARMON, WITTENBERG,
PRICE, MANN, BENKOVICH, ROBINSON, MOODY AND
BENNETT

APRIL 11, 1975

Referred to Committee on Commerce

SUMMARY—Exempts real estate brokers and salesmen from certain licensure requirements to sell mobile homes. Fiscal Note: No. (BDR 54-1480)

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

AN ACT relating to vehicle dealer licensing; authorizing real estate brokers to sell used mobile homes with lots under authority of limited used vehicle dealer's licenses issued by the department of motor vehicles; 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 482 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *The department shall adopt and promulgate regulations for the*
4 *issuance of limited used vehicle dealer's licenses authorizing licensed real*
5 *estate brokers to sell used mobile homes when the sale is incidental to*
6 *the sale of an interest in real property and the mobile home is situated on*
7 *the real property sold. Such regulations shall not be more strict than the*
8 *regulations in effect which pertain to licenses for other used vehicle*
9 *dealers. An applicant for a limited used vehicle dealer's license shall not*
10 *be required to have sufficient space to display vehicles at his established*
11 *place of business.*

12 2. *If a real estate broker licensed pursuant to the provisions of chapter*
13 *645 of NRS holds a limited used vehicle dealer's license, he and his*
14 *licensed salesmen may sell used mobile homes when the sale is incidental*
15 *to the sale of an interest in real property and the mobile home is situated*
16 *on the real property sold.*

17 SEC. 2. NRS 482.322 is hereby amended to read as follows:

18 482.322 1. **[No]** *Except as provided in section 1 of this act, no*
19 *person may engage in the business of a new or used vehicle dealer, manu-*
20 *facturer or rebuilder in this state, or be entitled to any other license or*

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 656

ASSEMBLY BILL NO. 656—ASSEMBLYMAN BANNER

APRIL 16, 1975

Referred to Committee on Commerce

SUMMARY—Provides financial protection to certain persons involved in construction work. Fiscal Note: No. (BDR 54-1738)

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

AN ACT relating to contractors; permitting contractors and subcontractors to stop work or terminate a contract or subcontract in certain cases where they have not been paid; 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 624 of NRS is hereby amended by adding
 2 thereto a new section which shall read as follows:
 3 1. *If, through no fault or act of a prime contractor or anyone*
 4 *employed by him, the owner fails to pay such contractor pursuant to*
 5 *their contract payment schedule, or within a reasonable time after matu-*
 6 *rity and presentation of charges where no payment schedule is established,*
 7 *any sum certified by the architect, engineer or other supervisory agent*
 8 *of the owner, or such sum as is otherwise properly due, or if the owner*
 9 *through his own act or neglect, excluding acts of God, floods, fires or*
 10 *strikes, causes the work to be stopped for a period of 5 working days or*
 11 *more, then the contractor may, after 5 working days' written notice*
 12 *to the owner, stop work or terminate the contract and recover from the*
 13 *owner payment for all work executed.*
 14 2. *If, through no fault of a subcontractor or anyone employed by*
 15 *him, the contractor fails to pay such subcontractor pursuant to the subcon-*
 16 *tract payment schedule, or within a reasonable time after maturity and*
 17 *presentation of charges where no payment schedule is established, any sum*
 18 *certified by the architect, engineer or other supervisory agent of the owner*
 19 *or contractor, or such sum as is otherwise properly due, or if the contrac-*
 20 *tor through his own acts or neglect, excluding acts of God, floods, fires or*
 21 *strikes, causes the work to be stopped for a period of 5 working days or*
 22 *more, then the subcontractor may, after 5 working days' written notice to*
 23 *the owner and the contractor, stop work or terminate the subcontract and*
 24 *recover from the contractor payment for all work executed.*