

Assembly Bill No. 57–Committee
on Growth and Infrastructure

CHAPTER.....

AN ACT relating to motor vehicles; revising provisions relating to a lien on a motor vehicle; revising provisions relating to automobile wreckers; revising provisions governing liens on certain abandoned vehicles; revising the date by which the Director of the Department of Motor Vehicles is required to submit certain reports concerning garages, garage operators and body shops; repealing provisions relating to special license plates issued to honorary consuls of foreign countries; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such vehicles. (NRS 108.265-108.367) Existing law authorizes a person who has such a lien to satisfy the lien by selling the vehicle at an auction held at or near the place where the lien was acquired. **Section 1** of this bill provides that, if a person who has such a lien is unable to sell the vehicle at a public auction for the fair market value of the vehicle, the person may satisfy the lien by selling the vehicle by private sale directly to a third-party purchaser in an arm’s length transaction. **Section 1** also removes the requirement that a sale must be held at or near the place where the lien was acquired.

Existing law provides for the licensure and regulation of automobile wreckers. (NRS 487.047-487.200) **Section 3.3** of this bill authorizes an automobile wrecker to sell a vehicle acquired by the automobile wrecker that: (1) possesses minor damage; and (2) is not scheduled to be salvaged. Existing law requires, in general, that the seller of a used motor vehicle provide the buyer of the vehicle with evidence that the vehicle complies with certain engine emission standards for the purpose of registering the vehicle with the Department of Motor Vehicles. (NRS 445B.800) **Section 1.5** of this bill provides that this requirement does not apply to an automobile wrecker who: (1) has acquired a vehicle that possesses minor damage and is not scheduled to be salvaged; (2) sells such a vehicle to a buyer who is responsible for obtaining such compliance before registering the vehicle; and (3) complies with certain notice requirements.

Existing law requires an automobile wrecker to forward to the Department the certificates of title and registration for certain vehicles acquired by the automobile wrecker. (NRS 487.100) **Section 3.6** of this bill provides an exemption to this requirement if the automobile wrecker acquires a vehicle to sell that: (1) possesses minor damage; and (2) is not scheduled to be salvaged.

Existing law provides provisions for the removal and disposal of abandoned vehicles. (NRS 487.205-487.300) Existing law provides that the owner of a garage to which an abandoned vehicle has been removed or an automobile wrecker who towed an abandoned vehicle has a lien on the vehicle and establishes the manner in which such a lien may be satisfied depending on the appraised value of the vehicle. (NRS 487.270) **Section 3.9** of this bill provides that the operator of a tow car who tows an abandoned vehicle has a lien on the vehicle. **Section 3.9** revises the appraised values which determine the manner in which a lien on an abandoned vehicle may be satisfied. **Section 3.9** authorizes an automobile wrecker or operator



of a tow car to obtain an unbranded title for an abandoned vehicle from the Department if the automobile wrecker or operator presents a certificate of inspection to the Department which meets certain requirements.

On November 16, 2021, the United States Department of State issued a notice indicating that it is the preference of the Office of Foreign Missions of the United States Department of State that states cease issuing special license plates to honorary consular officers. (United States Department of State, "Cessation of Honorary Consul License Plates," November 16, 2021) In accordance with that notice, **section 7** of this bill repeals provisions of existing law which provide for the issuance of special license plates to a person appointed as an honorary consul of a foreign country, thereby terminating the production and distribution of such plates. (NRS 482.3675) **Sections 2 and 3** of this bill make conforming changes by eliminating references to the repealed section.

Existing law requires the Director of the Department of Motor Vehicles to prepare and submit an annual report concerning garages, garage operators and body shops to the Legislative Commission or Legislature, as appropriate, on or before January 1 of each year. (NRS 487.557) **Section 4** of this bill instead requires the Director to submit this report on or before February 1 of each year. **Section 4** also updates references to the standing committees to whom the report will be transmitted.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 108.310 is hereby amended to read as follows:
108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. ~~It is~~ *Except as otherwise provided in subsection 3, in* accordance with the terms of a notice so given, a sale by *public* auction ~~may~~ *must* be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile



home or manufactured home. ~~[The sale must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.]~~

3. *A lien claimant may cause a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold by private sale directly to a third-party purchaser in an arm's length transaction if the lien claimant is unable to sell the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction after a reasonable effort.*

4. *Every aspect of a sale made pursuant to subsection 2 or 3, including, without limitation, the method of advertising, time, date, place, terms and price, must be commercially reasonable.*

5. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper *of general circulation* published in the place where the sale is to be held. ~~[, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place.]~~ The sale must not be held less than 22 days after the time of the first publication.

~~[4.]~~ 6. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

7. *Nothing in this section shall be construed to prohibit a lien claimant from purchasing a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction held pursuant to subsection 2 if the sale complies with the requirements prescribed by subsection 4.*

8. *As used in this section, "arm's length transaction" means a transaction in which the buyer is not affiliated with the seller.*



Sec. 1.5. NRS 445B.805 is hereby amended to read as follows:
445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:
 - (a) Spouses; or
 - (b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.
2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.
3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.
4. Transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer.
5. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:
 - (a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;
 - (b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and
 - (c) Makes the vehicle available for inspection before the consignment auction:
 - (1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or
 - (2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to



subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

6. *An automobile wrecker who is selling a vehicle pursuant to section 3.3 of this act if the automobile wrecker:*

(a) Informs the buyer, using a form, including, without limitation, an electronic form, that the automobile wrecker is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle; and

(b) Posts a notice in a conspicuous location at the business of the automobile wrecker or, if applicable, on the Internet website of the automobile wrecker, and includes a notice in any document published by the automobile wrecker that lists the vehicles available for sale by the automobile wrecker, stating that the automobile wrecker is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770.

Sec. 2. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is \$10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, ~~482.3675,~~ 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay \$25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, and governmental services taxes and the charge for the celebration may be paid with a single check.



6. Commemorative plates are renewable upon the payment of \$10.

7. If during a registration period, the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a duplicate number plate or set of duplicate number plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the \$25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the State Treasurer for credit to the Account for Nevada's 125th Anniversary in the State General Fund;

(b) Deposit \$7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit \$2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue duplicate or replacement commemorative license plates after June 30, 1995.

11. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:



For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name50
For every other indicator, decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, ~~482.3675,~~ 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 3.3. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is licensed as an automobile wrecker may, after acquiring a vehicle that possesses minor damage and is not scheduled to be salvaged, sell such a vehicle.

2. Before an automobile wrecker sells a vehicle subject to registration pursuant to the laws of this State, the automobile wrecker must possess the certificate of title for the vehicle.

3. Upon sale of the vehicle, the automobile wrecker shall provide the certificate of title for the vehicle to the person who purchased the vehicle.

4. As used in this section, "minor damage" means damage to a motor vehicle that can be repaired with the use of common repair materials.



Sec. 3.6. NRS 487.100 is hereby amended to read as follows:

487.100 1. Except as otherwise provided in subsections 2 and 3, any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool any vehicle subject to registration pursuant to the laws of this State shall forward to the Department the certificates of title and registration last issued therefor.

2. The certificate of ownership last issued for a mobile home or commercial coach must be sent by the wrecker to the Housing Division of the Department of Business and Industry.

3. An automobile wrecker is not required to:

(a) Provide the Department with a certificate of title, salvage title or a nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration, for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to NRS 487.105.

4. An automobile wrecker is not required to provide the Department with the certificate of title and certificate of registration last issued for a motor vehicle that the automobile wrecker sells pursuant to section 3.3 of this act.

Sec. 3.9. NRS 487.270 is hereby amended to read as follows:

487.270 1. Whenever a vehicle has been removed to a garage or other place as provided by NRS 487.230, the owner of the garage or the automobile wrecker *or operator of a tow car* who towed the vehicle has a lien on the vehicle for:

(a) The costs of towing and storing for a period not exceeding 90 days; and

(b) If the vehicle was removed from public property at the request of a constable, the fee described in paragraph (d) of subsection 2 of NRS 258.125.

2. If the vehicle is appraised at a value ~~[of \$500 or less]~~ *of less than \$1,500, or less than such other value greater than \$1,500 which the Department may establish by regulation*, and is not reclaimed within the period prescribed in NRS 487.250, the owner of the garage, ~~[or]~~ automobile wrecker *or operator of a tow car* may satisfy his or her lien by retaining the vehicle and obtaining a certificate pursuant to NRS 487.880, if applicable, ~~[or]~~ a salvage title as provided in NRS 487.810 ~~[.]~~ *or an unbranded title pursuant to subsection 4.*

3. If the vehicle is appraised at a value of more than ~~[\$500]~~ *\$1,500, or more than such other value greater than \$1,500 which*



the Department may establish by regulation, and is not reclaimed within 45 days, the owner of the garage, ~~for~~ automobile wrecker or operator of a tow car may satisfy his or her lien, in accordance with the provisions of NRS 108.265 to 108.367, inclusive. Before such a person may sell the vehicle, the person shall obtain a certificate pursuant to NRS 487.880, if applicable, ~~for~~ a salvage title as provided in NRS 487.810 ~~for~~ or an unbranded title pursuant to subsection 4.

4. Before an automobile wrecker or operator of a tow car satisfies his or her lien pursuant to subsection 2 or 3, the automobile wrecker or operator of a tow car may request that the Department issue an unbranded title for the vehicle. The Department shall issue the unbranded title if the automobile wrecker or operator of a tow car submits to the Department a certificate of inspection in such form as the Department may prescribe which has been completed and signed by a garage operator who operates a garage that is registered pursuant to NRS 487.560, by the owner of a body shop licensed pursuant to NRS 487.630, by a rebuilder licensed pursuant to NRS 482.325 or by a qualified employee of such a garage, body shop or rebuilder certifying that:

(a) The vehicle was inspected by the garage operator, owner, rebuilder or employee;

(b) The vehicle meets the standards of the vehicle manufacturer for mechanical fitness and safety;

(c) Any safety equipment, including, without limitation, occupant restraint devices, which was present in the vehicle at the time the vehicle was manufactured is present and operational to the standards of the manufacturer and the provisions of 49 C.F.R. §§ 571.208 and 571.209; and

(d) The vehicle is in a condition to be operated safely on the highways of this State.

5. Nothing in subsection 4 shall be construed as requiring the Department to change the existing status of a certificate of title, including, without limitation, any designation that a vehicle is a salvage vehicle or rebuilt vehicle.

6. If the vehicle was removed from public property at the request of a constable and the owner of the garage or automobile wrecker satisfies his or her lien pursuant to subsection 2 or 3, the owner of the garage or automobile wrecker shall transmit to the constable the fee described in paragraph (d) of subsection 2 of NRS 258.125.

7. As used in this section:



(a) *“Operator of a tow car” means the operator of a tow car who holds a certificate of public convenience and necessity issued pursuant to NRS 706.4463.*

(b) *“Unbranded title” means a certificate of title that does not include a specified designation, including, without limitation, a designation that a motor vehicle is a salvage vehicle or rebuilt vehicle.*

Sec. 4. NRS 487.557 is hereby amended to read as follows:

487.557 1. On or before ~~January~~ **February** 1 of each year, the Director of the Department shall prepare a report concerning garages, garage operators and body shops. The report must include:

(a) The number of complaints relating to garages, garage operators and body shops made to and acted upon by the Department during the year for which the report is prepared;

(b) The number of investigations conducted during that year by the Department relating to garages, garage operators and body shops; and

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public.

2. On or before ~~January~~ **February** 1 of each even-numbered year, the Director of the Department shall submit the report required pursuant to subsection 1 to the Legislative Commission. On or before ~~January~~ **February** 1 of each odd-numbered year, the Director of the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on ~~Energy;~~ **Growth and Infrastructure** ; ~~and Transportation;~~ and

(b) The Assembly Standing Committee on ~~Transportation;~~ **Growth and Infrastructure.**

Sec. 5. A person to whom the Department of Motor Vehicles issued special license plates pursuant to NRS 482.3675 shall, on or before January 1, 2024, surrender any such plates in his or her possession to the Department, and, in lieu of any plates surrendered, is entitled to receive regular Nevada license plates.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. NRS 482.3675 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2023.

