

SENATE BILL NO. 80—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises certain provisions governing motor vehicles.
(BDR 43-304)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to motor vehicles; expanding to certain employees of the Department of Motor Vehicles the authority to inspect vehicles to determine rightful ownership or possession; increasing penalties for multiple violations of certain provisions governing automobile wreckers, salvage pools, garages, garage operators and body shops; requiring businesses that repair certain motortrucks to comply with provisions regulating garages, garage operators and body shops; authorizing certain employees of the Department to apply for certain court orders and complete necessary affidavits for such orders; revising provisions prohibiting a person from tampering with a device for the control of emissions of a motor vehicle or removing such a device from a motor vehicle; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes an employee of the Department of Public Safety or a
2 local law enforcement agency whose primary responsibility is to conduct
3 investigations involving the theft of motor vehicles to inspect, under certain
4 circumstances, the identification numbers of a vehicle and the title or registration of
5 a vehicle or a part of the vehicle for the purpose of locating stolen vehicles. (NRS
6 480.610) **Section 1** of this bill additionally authorizes an employee of the



7 Department of Motor Vehicles whose primary responsibility is to conduct
8 investigations involving the theft of motor vehicles to conduct such an inspection.

9 Existing law requires automobile wreckers, operators of salvage pools, garage
10 operators and operators of body shops to comply with certain requirements relating
11 to licensing or registration, recordkeeping and operations. (NRS 487.047-487.200,
12 487.400-487.510, 487.530-487.690) A person is guilty of a misdemeanor for
13 violations of those provisions. (NRS 487.200, 487.510, 487.690) **Sections 2, 3 and**
14 **5** of this bill revise the penalty for violations of those provisions, with certain
15 exceptions, such that a person is guilty of: (1) for the first offense, a misdemeanor
16 punishable by a term of imprisonment in the county jail for not more than 6
17 months, or a fine of not more than \$2,500, or both; (2) for the second offense, a
18 gross misdemeanor punishable by a term of imprisonment in the county jail for not
19 more than 6 months, or a fine of not more than \$5,000, or both; and (3) for the third
20 and each subsequent offense, a gross misdemeanor punishable by a term of
21 imprisonment in the county jail for not more than 6 months, or a fine of not more
22 than \$10,000, or both.

23 Existing law exempts a business that only performs services on motortrucks
24 with a gross weight of more than 10,000 pounds from: (1) the requirement to be
25 registered as a garage or licensed as a body shop; and (2) other requirements
26 governing the operation of garages and body shops. (NRS 487.532, 487.540,
27 487.550, 487.560-487.687) **Section 4** of this bill removes that exemption, thereby
28 requiring such a business to comply with those requirements.

29 Existing law requires a person to obtain an order from a court before installing
30 or using a pen register or trap and trace device, except if otherwise authorized by
31 federal law. Existing law authorizes a peace officer to apply for such an order if an
32 application is supported by an affidavit by a peace officer that complies with
33 federal law. (NRS 179.530) **Section 6** of this bill additionally authorizes personnel
34 of the Department of Motor Vehicles who have the powers of a peace officer to
35 apply for such an order from a court and complete the required supporting
36 affidavits.

37 Existing law makes it unlawful for a person to: (1) possess or issue fraudulent
38 or unauthorized evidence that a motor vehicle complies with the required
39 equipment for the control of emissions from engines; or (2) willfully and
40 knowingly fail to comply with any provision relating to the control of emissions
41 from engines. (NRS 445B.840) **Section 7** of this bill additionally makes it unlawful
42 for a person to tamper with or remove an emission control device from a motor
43 vehicle, including exchanging the engine of a motor vehicle for a different engine,
44 except where certain conditions are satisfied. A violation of the prohibitions
45 imposed by **section 7** would be a misdemeanor. (NRS 445B.845)

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

1 **Section 1.** NRS 480.610 is hereby amended to read as follows:
2 480.610 1. For the purpose of locating stolen vehicles, except
3 as otherwise provided in subsection 3, an employee of the
4 Department *of Public Safety, the Department of Motor Vehicles* or
5 a local law enforcement agency whose primary responsibility is to
6 conduct investigations involving the theft of motor vehicles, may
7 inspect:



1 (a) The identification numbers of a vehicle that is on the
2 highway or in any garage, repair shop, terminal, parking facility,
3 establishment where new or used vehicles or equipment for vehicles
4 are sold, leased or rented, vehicle salvage pool or any other similar
5 establishment, or any commercial location where agricultural or
6 construction work is being actively performed; and

7 (b) The title or registration of a vehicle described in paragraph
8 (a) to determine the rightful ownership or possession of the vehicle
9 or an identifiable component part.

10 2. Whenever possible, a person who conducts an inspection
11 pursuant to this section shall conduct the inspection during normal
12 business hours and in such a manner as to minimize any interference
13 with or delay of the business operations of the establishment where
14 the inspection takes place.

15 3. A person may not conduct an inspection pursuant to this
16 section of a terminal that is privately owned or a parking facility that
17 is privately owned unless, before conducting the inspection, the
18 person obtains permission to conduct the inspection from:

19 (a) The owner of the terminal or parking facility; or

20 (b) An agent or representative of the owner who has been
21 authorized by the owner to grant permission to a person seeking to
22 conduct an inspection pursuant to this section.

23 4. As used in this section:

24 (a) "Garage" has the meaning ascribed to it in NRS 487.540.

25 (b) "Identifiable component part" means a component of a
26 motor vehicle that may be distinguished from other similar
27 components by a serial number or other distinguishing number, sign
28 or mark.

29 (c) "Local law enforcement agency" means:

30 (1) The sheriff's office of a county;

31 (2) A metropolitan police department; or

32 (3) A police department of an incorporated city.

33 (d) "Parking facility" means a parking deck, parking garage,
34 parking structure or paved or unpaved parking lot that members of
35 the public regularly enter, are reasonably likely to enter, or are
36 invited or permitted to enter as invitees or licensees.

37 (e) "Terminal" means a terminal that members of the public
38 regularly enter, are reasonably likely to enter, or are invited or
39 permitted to enter as invitees or licensees.

40 (f) "Vehicle" has the meaning ascribed to it in NRS 482.135.

41 **Sec. 2.** NRS 487.200 is hereby amended to read as follows:

42 487.200 Any person who violates any of the provisions of NRS
43 487.047 to 487.200, inclusive, is guilty of :

44 1. *For the first offense, a misdemeanor* **⊞** *punishable by a*
45 *term of imprisonment in the county jail for not more than 6*



1 *months, or a fine of not more than \$2,500, or by both fine and*
2 *imprisonment;*

3 2. *For the second offense, a gross misdemeanor punishable*
4 *by a term of imprisonment in the county jail for not more than 6*
5 *months, or a fine of not more than \$5,000, or by both fine and*
6 *imprisonment; and*

7 3. *For the third and each subsequent offense, a gross*
8 *misdemeanor punishable by a term of imprisonment in the county*
9 *jail for not more than 6 months, or a fine of not more than*
10 *\$10,000, or by both fine and imprisonment.*

11 **Sec. 3.** NRS 487.510 is hereby amended to read as follows:

12 487.510 Any person who violates any of the provisions of NRS
13 487.400 to 487.505, inclusive, is guilty of :

14 1. *For the first offense, a misdemeanor ~~is~~ punishable by a*
15 *term of imprisonment in the county jail for not more than 6*
16 *months, or a fine of not more than \$2,500, or by both fine and*
17 *imprisonment;*

18 2. *For the second offense, a gross misdemeanor punishable*
19 *by a term of imprisonment in the county jail for not more than 6*
20 *months, or a fine of not more than \$5,000, or by both fine and*
21 *imprisonment; and*

22 3. *For the third and each subsequent offense, a gross*
23 *misdemeanor punishable by a term of imprisonment in the county*
24 *jail for not more than 6 months, or a fine of not more than*
25 *\$10,000, or by both fine and imprisonment.*

26 **Sec. 4.** NRS 487.550 is hereby amended to read as follows:

27 487.550 "Motor vehicle" means:

- 28 1. A passenger car as defined in NRS 482.087;
- 29 2. A mini motor home as defined in NRS 482.066;
- 30 3. A motor home as defined in NRS 482.071;
- 31 4. A recreational vehicle as defined in NRS 482.101;
- 32 5. A motortruck as defined in NRS 482.073 ; ~~if the gross~~
33 ~~weight of the vehicle is 10,000 pounds or less;~~
- 34 6. A motorcycle as defined in NRS 482.070; and
- 35 7. A trimobile as defined in NRS 482.129.

36 **Sec. 5.** NRS 487.690 is hereby amended to read as follows:

37 487.690 ~~Any~~ **Except as otherwise provided in NRS 487.6871**
38 **and 487.6893,** any person who violates any of the provisions of
39 NRS 487.530 to 487.690, inclusive, is guilty of :

40 1. *For the first offense, a misdemeanor ~~is~~ punishable by a*
41 *term of imprisonment in the county jail for not more than 6*
42 *months, or a fine of not more than \$2,500, or by both fine and*
43 *imprisonment;*

44 2. *For the second offense, a gross misdemeanor punishable*
45 *by a term of imprisonment in the county jail for not more than 6*



1 *months, or a fine of not more than \$5,000, or by both fine and*
2 *imprisonment; and*

3 *3. For the third and each subsequent offense, a gross*
4 *misdemeanor punishable by a term of imprisonment in the county*
5 *jail for not more than 6 months, or a fine of not more than*
6 *\$10,000, or by both fine and imprisonment.*

7 **Sec. 6.** NRS 179.530 is hereby amended to read as follows:

8 179.530 1. Except as otherwise provided in 18 U.S.C. §§
9 3121-3127, a person shall not install or use a pen register or trap and
10 trace device without first obtaining an order from a district court of
11 this State.

12 2. District courts of this State may issue orders authorizing the
13 installation and use of a pen register or trap and trace device upon
14 the application of a district attorney, the Attorney General or their
15 deputies or of a peace officer, supported by an affidavit of a peace
16 officer under the circumstances and upon the conditions prescribed
17 by 18 U.S.C. §§ 3121-3127.

18 3. The district court may accept a facsimile or electronic copy
19 of the signature of any person required to give an oath or affirmation
20 as part of an application submitted pursuant to subsection 2 as an
21 original signature to the application.

22 4. Secure electronic transmission may be used for the
23 submission of an application and affidavit required by subsection 2
24 and for the issuance of an order authorizing the installation and use
25 of a pen register or trap and trace device. The Nevada Supreme
26 Court may adopt rules not inconsistent with the laws of this State to
27 carry out the provisions of this subsection.

28 5. A public utility that relies, in good faith, upon an order of a
29 district court authorizing the installation and use of a pen register or
30 trap and trace device is not liable in any civil or criminal action
31 brought against the public utility for the installation and use of the
32 pen register or trap and trace device in accordance with the order of
33 the court.

34 6. As used in this section:

35 (a) "Peace officer" means:

36 (1) Sheriffs of counties and metropolitan police departments
37 and their deputies;

38 (2) Personnel of the Department of Public Safety *and the*
39 *Department of Motor Vehicles* who have the powers of peace
40 officers pursuant to NRS 289.270;

41 (3) Police officers of cities and towns;

42 (4) Agents of the Nevada Gaming Control Board who are
43 investigating any violation of subsection 2 or 3 of NRS 463.360 or
44 chapter 465 of NRS;



1 (5) Special investigators employed by the Attorney General
2 who have the powers of peace officers pursuant to NRS 289.170;

3 (6) Investigators employed by a district attorney who have
4 the powers of peace officers pursuant to NRS 289.170;

5 (7) The Inspector General of the Department of Corrections
6 and the criminal investigators employed by the Department who
7 have the powers of peace officers pursuant to NRS 289.220; and

8 (8) Federal law enforcement officers who are members of a
9 task force composed of federal and state or local law enforcement
10 agencies.

11 (b) "Pen register" has the meaning ascribed to it in 18 U.S.C.
12 § 3127(3).

13 (c) "Secure electronic transmission" means the sending of
14 information from one computer system to another computer system
15 in such a manner as to ensure that:

16 (1) No person other than the intended recipient receives the
17 information;

18 (2) The identity and signature of the sender of the
19 information can be authenticated; and

20 (3) The information which is received by the intended
21 recipient is identical to the information that was sent.

22 (d) "Trap and trace device" has the meaning ascribed to it in 18
23 U.S.C. § 3127(4).

24 **Sec. 7.** NRS 445B.840 is hereby amended to read as follows:

25 445B.840 **1.** It is unlawful for any person to:

26 ~~1-1~~ (a) Possess any unauthorized evidence of compliance;

27 ~~1-2~~ (b) Make, issue or use any imitation or counterfeit evidence
28 of compliance;

29 ~~1-3~~ (c) Willfully and knowingly fail to comply with the
30 provisions of NRS 445B.700 to 445B.815, inclusive, or any
31 regulation adopted by the Department of Motor Vehicles; ~~for~~

32 ~~—4-~~ (d) Issue evidence of compliance if he or she is not a
33 licensed inspector of an authorized inspection station, authorized
34 station or fleet station ~~1-1~~; **or**

35 (e) *Except as otherwise provided in subsection 2, tamper with a*
36 *device for the control of emissions of a motor vehicle or remove*
37 *such a device from a motor vehicle, including, without limitation,*
38 *exchanging the engine of a motor vehicle for a different engine.*

39 **2.** *A person does not violate paragraph (e) of subsection 1 by*
40 *exchanging the engine of a motor vehicle for a different engine if:*

41 (a) *The engine being inserted into the motor vehicle is of the*
42 *same classification as the engine being removed from the motor*
43 *vehicle;*



1 ***(b) The engine being inserted into the motor vehicle is of the***
2 ***same model year as or newer than the engine being removed from***
3 ***the motor vehicle;***

4 ***(c) Any device for the control of emissions of a motor vehicle***
5 ***that is included with the engine being inserted into the motor***
6 ***vehicle is:***

7 ***(1) Operational;***

8 ***(2) Certified by the United States Environmental Protection***
9 ***Agency; and***

10 ***(3) Maintained in the configuration for which the device***
11 ***was certified pursuant to subparagraph (2); and***

12 ***(d) The motor vehicle and any necessary documentation for***
13 ***the engine being inserted into the motor vehicle is submitted to the***
14 ***Department of Motor Vehicles for inspection and approved by the***
15 ***Department of Motor Vehicles.***

16 **Sec. 8.** The amendatory provisions of sections 2, 3 and 5 of
17 this act apply to any second or subsequent violation of NRS 487.047
18 to 487.200, inclusive, 487.400 to 487.505, inclusive, or 487.530 to
19 487.690, inclusive, as applicable, that is committed on or after
20 October 1, 2024, regardless of when any previous violation was
21 committed.



