

**PROPOSED REGULATION OF THE  
DEPARTMENT OF MOTOR VEHICLES**

**LCB File No. R116-05**

September 19, 2005

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

AUTHORITY: §§1-5, section 28.3 of Assembly Bill No. 249 of the 73rd Session of the Nevada Legislature, chapter 340, Statutes of Nevada 2005, at page 1246 (NRS 108.26797); §6, section 28.7 of Assembly Bill No. 249 of the 73rd Session of the Nevada Legislature, chapter 340, Statutes of Nevada 2005, at page 1246 (NRS 108.357).

A REGULATION relating to vehicles; requiring certain lien claimants to perform certain tasks prior to conducting the lien sale of a vehicle; requiring certain lien claimants to submit certain documents to the Department of Motor Vehicles after the lien sale of a vehicle; establishing administrative fines; and providing other matters properly relating thereto.

**Section 1.** Chapter 108 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, “Department” means the Department of Motor Vehicles.*

**Sec. 3.** *Sections 3 to 6, inclusive, of this regulation apply to any person who is entitled to a lien pursuant to NRS 108.270 and who meets any of the following definitions:*

- 1. An “automobile wrecker” as defined in NAC 487.010;*
- 2. A “body shop” as defined in NRS 487.600;*
- 3. A “dealer” as defined in NRS 482.020;*
- 4. A “garage” as defined in NRS 487.540;*
- 5. A “salvage pool” as defined in NRS 487.400; or*

6. An “operator of a tow car” as defined in NAC 706.4024.

Sec. 4. 1. Prior to the lien sale of a vehicle, the lien claimant shall deliver or mail the notice of a lien pursuant to NRS 108.272 to each person who is listed in the records of the Department as holding ownership or other security interest in the vehicle.

2. If the records of the Department do not contain current vehicle registration or title information for the vehicle, the lien claimant shall:

(a) For a vehicle less than 6 years old, submit a request for the current vehicle registration and title information for the vehicle to the appropriate state motor vehicle agency of each state in the United States;

(b) For a vehicle at least 6 but less than 10 years old, submit a request for the current vehicle registration and title information for the vehicle to the appropriate state motor vehicle agencies in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington; or

(c) For a vehicle at least 10 years old, submit a request for the current vehicle registration and title information for the vehicle to the appropriate state motor vehicle agencies in Alaska, Arizona, California, Hawaii, Idaho, Oregon, Utah and Washington.

3. At least 7 days prior to any lien sale, the lien claimant shall submit to the sheriff of the county in which the sale will take place or the chief of police of the city or town in which the sale will take place, as applicable, a request regarding information on whether the vehicle has been reported stolen. The request must be made on a form provided by the Department. If the vehicle has been reported as stolen, the lien claimant shall cooperate with any subsequent investigation.

4. *As used in this section, “vehicle” means motor vehicle, motorcycle, trailer or recreational vehicle.*

**Sec. 5.** 1. *Except for sales to licensed wreckers, when a vehicle is sold as a result of a lien, the lien claimant shall:*

(a) *Collect from the buyer of the vehicle:*

(1) *The fee set forth in NRS 482.429 for a certificate of title for a vehicle registered in this State; and*

(2) *Any fees associated with a lien sale affidavit and a lien sale registration certificate; and*

(b) *Within 30 days after the lien sale of the vehicle, submit to the Department:*

(1) *A completed lien sale affidavit and a lien sale registration certificate on forms provided by the Department;*

(2) *A copy of the notice of a lien required pursuant to NRS 108.272; and*

(3) *The fees collected pursuant to paragraph (a).*

2. *If the Department determines that any document received pursuant to this section is incorrect or needs additional information, the Department will return the documents to the lien claimant. Within 30 days of the receipt of the returned documents, the lien claimant shall resubmit the documents with any corrections or additional information.*

3. *As used in this section, “vehicle” means motor vehicle, motorcycle, trailer or recreational vehicle.*

**Sec. 6.** 1. *Except as otherwise provided in subsection 2, any administrative fine imposed pursuant to section 28.7 of Assembly Bill No. 249 of the 73rd Session of the Nevada Legislature (NRS 108.357), must be made as follows:*

*(a) For a first offense within a 3-year period, a fine of at least \$100 but not more than \$500, unless a consumer suffers substantial personal or financial harm, in which case the fine must be at least \$1,500 but not more than \$2,500;*

*(b) For a second offense within a 3-year period, a fine of at least \$500 but not more than \$1,000, unless a consumer suffers substantial personal or financial harm, in which case the fine must be at least \$1,500 but not more than \$2,500;*

*(c) For a third offense within a 3-year period, a fine of at least \$1,000 but not more than \$1,500, unless a consumer suffers substantial personal or financial harm, in which case the fine must be at least \$1,500 but not more than \$2,500; and*

*(d) For a fourth or subsequent offense within a 3-year period, a fine of at least \$1,500 but not more than \$2,500.*

*2. For purposes of subsection 1, a cease and desist order issued by the Department constitutes a first offense.*

*3. Any person who has been fined pursuant to the provisions of NRS 108.357 shall make payment of the fine to the Department by the date specified in the notice of the violation, unless the person has requested a hearing pursuant to NRS 108.357.*

*4. If a person fails to pay a fine imposed pursuant to the provisions of this section, the Department may suspend, revoke or refuse to issue any license or registration, grant any privilege, process any documents or provide any service to that person until the fine has been paid in full, unless the person has requested a hearing pursuant to NRS 108.357.*