

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 23, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Settlemeyer, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Lord, before we become too involved in the routines of the day, we pause to seek Your help. Experienced in the ways of men, we know all too little of the ways of God. You know each one of us, by name and by our needs. Forgive, O Lord, our failure to apply to ourselves the standards of conduct we demand of others. Forgive our slowness to see the good in our fellows and to see the evil in ourselves. In our differences may we be kind; in our agreements may we be humble, that Your will may be done in us and through us, for the good of this state.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 92, 140, 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 43, 128, 319, 450 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 453, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 30.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 622—AN ACT making an appropriation to the Department of Wildlife for the conservation and restoration of fish and wildlife and their habitat; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 623—AN ACT making an appropriation to Nevada Child Seekers for services on behalf of missing, abducted and runaway children; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 789.

AN ACT relating to firearms; revising certain provisions pertaining to the regulation of firearms by local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 147 of the 1989 Legislative Session (Chapter 308, Statutes of Nevada 1989, p. 653) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession,

ownership, transportation, registration and licensing of firearms and ammunition in this State. However, section 5 of Assembly Bill No. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by local governments on or after June 13, 1989. This bill requires the amendment of ordinances or regulations adopted by local governments before June 13, 1989, that require registration of a firearm capable of being concealed to impose: (1) a period of at least 60 days of residency in the jurisdiction before registration of such a firearm is required; and (2) a period of at least 72 hours for the registration of a pistol by a resident of the jurisdiction upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

For the purposes of the amendatory provisions of this bill relating to the registration of firearms, and for the purposes of the authority of local governments to proscribe the unsafe discharge of firearms, this bill revises the definition of “firearm” to use the more narrow definition set forth in NRS 202.253, pursuant to which a firearm is a device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion. For the purposes of state preemption of the local regulation of firearms, this bill retains the broader definition of “firearm” already used in NRS 244.364, 268.418 and 269.222, pursuant to which a firearm is any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

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

Section 1. NRS 244.364 is hereby amended to read as follows:

244.364 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers. *As used in this subsection, “firearm” means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.*

2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. *If a board of county commissioners in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:*

(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. ~~As~~ Except as otherwise provided in subsection 1, as used in this section [, "firearm"]:

(a) "Firearm" means any device designed to be used as a weapon from which a projectile ~~is discharged by means of an explosive, spring, gas, air or other force.~~ may be expelled through the barrel by the force of any explosion or other form of combustion.

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

Sec. 2. NRS 268.418 is hereby amended to read as follows:

268.418 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

2. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. *If the governing body of a city in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:*

(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. ~~As~~ Except as otherwise provided in subsection 1, as used in this section [, "firearm"]:

(a) "Firearm" means any device designed to be used as a weapon from which a projectile ~~is discharged by means of an explosive, spring, gas, air or other force.~~ may be expelled through the barrel by the force of any explosion or other form of combustion.

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

Sec. 3. NRS 269.222 is hereby amended to read as follows:

269.222 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to

regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers. **As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.**

2. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. ***If a town board in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:***

(a) ***A period of at least 60 days of residency in the town before registration of such a firearm is required.***

(b) ***A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.***

4. ~~As~~ **Except as otherwise provided in subsection 1, as** used in this section ~~["firearm"]~~:

(a) ***"Firearm" means any device designed to be used as a weapon from which a projectile ~~is discharged by means of an explosive, spring, gas, air or other force.~~ may be expelled through the barrel by the force of any explosion or other form of combustion.***

(b) ***"Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.***

(c) ***"Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.***

Sec. 4. Section 5 of chapter 308, Statutes of Nevada 1989, at page 653, is hereby amended to read as follows:

Sec. 5. ~~The~~

1. ***Except as otherwise provided in subsection 2, the*** provisions of this act apply ~~only~~ to ordinances or regulations adopted on or after ~~the effective date of this act.~~ ***June 13, 1989.***

2. ***The provisions of this act, as amended on October 1, 2007, apply to ordinances or regulations adopted before, on or after June 13, 1989.***

Sec. 5. A board of county commissioners, governing body of a city and town board in a county whose population is 400,000 or more shall amend any ordinance or regulation adopted by that body before June 13, 1989, that does not conform with the provisions of NRS 244.364, as amended by section 1 of this act, NRS 268.418, as amended by section 2 of this act or NRS 269.222, as amended by section 3 of this act, as applicable, by January 1, 2008. Any ordinance or regulation that does not comply with the applicable provision by January 1, 2008, shall be deemed to conform with that provision by operation of law.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 781.

AN ACT relating to purchasing; requiring organizations that wish to participate in the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations to register with and submit quarterly reports to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to establish a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations. (NRS 334.025) Existing law also authorizes an exception to the competitive bidding process for purchasing by the State and by local governments from organizations and agencies whose primary purpose is the training and employment of persons with mental or physical disabilities. (NRS 332.117, 333.375) Sections 1-3 of this bill require organizations that wish to participate in the Program and qualify for the exemption to the competitive bidding process to register with, and to submit quarterly reports to, the Rehabilitation Division.

Section 4 of this bill requires the Administrator of the Division to review the registration and reporting requirements imposed by this bill and to report on that review to the 75th Session of the Nevada Legislature.

Section ~~4~~ 5 of this bill repeals the expiration of section 14 of chapter 377, Statutes of Nevada 2005, at page 1445. **Thus, the changes made by section 14 of that chapter of Statutes of Nevada to NRS 334.025 will no longer expire by limitation on June 30, 2013, and the Program will continue to be administered by the Division instead of a Committee on Employment of Persons with Disabilities created by the Governor.**

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

Section 1. NRS 332.117 is hereby amended to read as follows:

332.117 1. ~~A~~ *In accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025, a governing body of a local government or its authorized representative may award, without*

complying with the requirements for competitive bidding set forth in this chapter, a contract for services or for the purchase of supplies, materials, equipment or labor to an organization or agency whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a community-based training center for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

2. An organization or agency that ~~wishes~~ :

(a) ~~Wishes~~ to submit a bid for such a contract must ~~establish~~ :

(1) **Register with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation as required pursuant to NRS 334.025; and**

(2) **Establish** a fair-market price for those services, supplies, materials, equipment or labor by conducting a market survey and must include the survey with the bid submitted to the local government.

(b) Is awarded such a contract must report quarterly to the Rehabilitation Division as required pursuant to NRS 334.025.

Sec. 2. NRS 333.375 is hereby amended to read as follows:

333.375 1. The provisions of NRS 331.100 notwithstanding, **and in accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025**, the Purchasing Division may award without accepting competitive bids a contract for services or the purchase of commodities to organizations or agencies whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a community-based training center for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

2. An organization or agency that ~~wishes~~ :

(a) ~~Wishes~~ to submit a bid for such a contract must ~~establish~~ :

(1) **Register with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation as required pursuant to NRS 334.025; and**

(2) **Establish** a fair-market price for those services or commodities by conducting a market survey and must include the survey with the bid submitted to the Purchasing Division.

(b) Is awarded such a contract must report quarterly to the Rehabilitation Division as required pursuant to NRS 334.025.

Sec. 3. NRS 334.025 is hereby amended to read as follows:

334.025 1. The Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall establish and administer a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations.

2. The Program may include:

(a) A method for assisting an agency that wishes to purchase commodities or services from an organization to locate such commodities and services that meet the needs of the agency;

(b) A method for assisting an organization to locate an agency that wishes to purchase commodities or services from organizations;

(c) A method for encouraging agencies to purchase commodities and services from organizations;

(d) A method to review objections to an award of a contract to an organization, which method must be limited to a review of the process used for awarding the contract to ensure that the appropriate procedures were followed in awarding the contract;

(e) The establishment of a percentage, not to exceed 4 percent, of the full amount of payment to an organization which is awarded a contract for all commodities and services to be provided to the agency pursuant to the contract that is sufficient to pay the cost to the Rehabilitation Division of establishing and administering the Program; and

(f) A method for collecting information from an agency in a report to the Rehabilitation Division, which report may include, without limitation:

(1) The number of persons currently employed at the agency who are mentally or physically disabled; and

(2) The number of contracts the agency has entered into pursuant to the Program which are currently in effect and a list of the organizations with which the agency has entered such contracts.

3. ***An organization that wishes to participate in the Program must register with the Rehabilitation Division on a form prescribed by the Administrator before contacting any agency concerning entering into a contract pursuant to the Program.***

4. In administering the Program, the Rehabilitation Division shall, upon request of an agency or organization, assist the agency or organization in establishing a contract for the purchase of commodities or services.

~~{4.}~~ 5. A contract entered into pursuant to the Program must provide for a payment to the Rehabilitation Division in an amount equal to the full amount of payment to the organization for all commodities and services to be provided to the agency pursuant to the contract multiplied by the percentage established pursuant to paragraph (e) of subsection 2.

~~{5.}~~ 6. ***An organization that has entered into a contract with an agency pursuant to the Program shall report quarterly to the Rehabilitation Division, on a form prescribed by the Administrator, such information as the Rehabilitation Division deems necessary to administer the Program.***

7. ***The Administrator may adopt regulations to carry out the provisions of this section.***

8. As used in this section:

(a) ***"Administrator" means the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.***

(b) "Agency" means a local government as defined in NRS 332.015 and using agencies as defined in NRS 333.020.

~~{(b)}~~ (c) "Organization" means an organization whose primary purpose is the training and employment of mentally or physically disabled persons, including, without limitation, community-based training centers for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

Sec. 4. 1. The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall review the registration and reporting requirements imposed by the amendatory provisions of this act.

2. The Administrator shall prepare a report summarizing the review and submit the report by July 1, 2008, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and to the 75th Session of the Nevada Legislature. The report must be made available to the general public.

~~{Sec. 4.}~~ **Sec. 5.** Section 18 of Chapter 377, Statutes of Nevada 2005, at page 1445, is hereby amended to read as follows:

Sec. 18. 1. This section and sections 1 to ~~{14,}~~ **13**, inclusive, and 17 of this act become effective upon passage and approval and expire by limitation on June 30, 2013.

2. **Section 14 of this act becomes effective upon passage and approval.**

3. Section 16 of this act becomes effective on July 1, 2005.

~~{3.}~~ **4.** Section 15 of this act becomes effective on July 1, 2007, and expires by limitation on June 30, 2013.

~~{Sec. 5.}~~ **Sec. 6.** This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 780.

**SUMMARY—~~{Extends the duration of certain redevelopment plans.}~~
Makes various changes relating to redevelopment.** (BDR 22-358)

AN ACT relating to redevelopment; extending the duration of certain redevelopment plans; **requiring the North Las Vegas Redevelopment Agency to review and report on certain of its redevelopment activities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency before July 1, 1987, terminates at the end of the fiscal

year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) A redevelopment plan adopted on or after July 1, 1987, terminates not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439)

This bill makes applicable to any redevelopment plans adopted on or after July 1, 1987, but before January 1, 1991, the more lengthy durational limits currently applicable to redevelopment plans adopted before July 1, 1987.

This bill also requires the North Las Vegas Redevelopment Agency to conduct a review of certain matters relating to redevelopment and to prepare a report summarizing that review for transmittal to the 76th Session of the Nevada Legislature.

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

Section 1. NRS 279.438 is hereby amended to read as follows:

279.438 A redevelopment plan adopted before ~~{July 1, 1987,}~~ **January 1, 1991**, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date *concerning the redevelopment area* are fully paid or 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

Sec. 2. NRS 279.439 is hereby amended to read as follows:

279.439 A redevelopment plan adopted on or after ~~{July 1, 1987,}~~ **January 1, 1991**, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.

Sec. 2.5. The North Las Vegas Redevelopment Agency shall:

1. Conduct a review of its activities relating to redevelopment, including, without limitation, an analysis of:

(a) The progress made by the Agency in carrying out the Downtown Redevelopment Plan, the North Redevelopment Plan and any other redevelopment plans adopted by the North Las Vegas City Council;

(b) The benefits realized by extending the permissible duration of certain redevelopment plans pursuant to the amendatory provisions of this act; and

(c) Ways in which the Agency may ensure that redevelopment takes place in a carefully planned manner without undue delay.

2. Prepare a report summarizing the review conducted pursuant to subsection 1 and submit the report by July 1, 2010, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and to the 76th Session of the Nevada Legislature. The report must be made available to the general public.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 924.

Senators Titus, **COFFIN, CARLTON, HORSFORD, LEE, MATHEWS, NOLAN, RAGGIO, RHOADS, SCHNEIDER, TOWNSEND**, Wiener and Woodhouse

SUMMARY—~~[Requires policies of health]~~ Revises provisions governing insurance ~~[and health plans to provide]~~ coverage for a vaccine to protect against cervical cancer ~~[]~~ and screenings for prostate cancer.
(BDR 57-1077)

AN ACT relating to insurance; requiring policies of health insurance to provide coverage for the human papillomavirus vaccine to protect against cervical cancer; requiring the Director of the Department of Health and Human Services to include coverage for the human papillomavirus vaccine in the State Plan for Medicaid; **requiring certain policies of health insurance to provide coverage for screenings for prostate cancer under certain circumstances**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, under certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168)

Sections 2 , **5, 6, 7** and ~~[5]~~ 8 of this bill require policies of individual health insurance, policies of group health insurance, policies of health insurance issued by a hospital or medical service corporation, **health care plans of health maintenance ~~[plans]~~ organizations** and health care plans issued by managed care organizations to provide coverage for expenses incurred for the human papillomavirus vaccine administered to women and girls in this State. The policies of health insurance may not require the insured women and girls to receive prior authorization for the vaccine. The human papillomavirus vaccine is defined as either the currently available Quadrivalent Human Papillomavirus Recombinant Vaccine or any successor it may have which is approved by the Food and Drug Administration for the prevention of the human papillomavirus or cervical cancer. ~~[Section 10 of this bill requires the Public Employees' Benefits Program to]~~ **Sections 9.3**

and 10 of this bill require that plans of self-insurance provided by certain governmental agencies include the same coverage. ~~[In any plan of self-insurance the Program provides.]~~ Section 11 of this bill requires that the Director of the Department of Health and Human Services include coverage for the human papillomavirus vaccine in the State Plan for Medicaid.

Sections 2.5, 5.5, 6.5, 7.5 and 8.5 of this bill require policies of individual health insurance, policies of group health insurance, policies of health insurance issued by a hospital or medical service corporation, health care plans of health maintenance organizations and health care plans issued by managed care organizations that provide coverage for the treatment of prostate cancer also to provide coverage for screening for prostate cancer under certain circumstances. The policies of health insurance may not require an insured person to obtain prior authorization for the screening. Sections 9.5 and 10 of this bill require that plans of self-insurance provided by certain governmental agencies include the same coverage.

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

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689B.031, 689B.0374, 695B.1912, 695B.1914, 695C.1713, 695C.1735 and 695G.170, and sections 2 ~~(and 5 to 8, inclusive), 2.5, 5, 5.5, 6, 6.5, 7, 7.5, 8 and 8.5 of this act,~~ any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and
(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 1.9. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.

~~Sec. 2. [Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health

and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the *Quadrivalent Human Papillomavirus Recombinant Vaccine* or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 2.5. 1. A policy of health insurance that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of health insurance that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy of health insurance that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

Sec. 3. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as *otherwise* provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this State must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, **and section 2 of this act** in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown, or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

2. Each policy delivered or issued for delivery in this State after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.

3. If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the

insurer, with the approval of the Commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

Sec. 4. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~ , *and ~~[section]~~ sections 2 and 2.5 of this act.*

Sec. 4.9. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 5.5 of this act.

~~Sec. 5. [Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 5.5. 1. A policy of group health insurance that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of group health insurance that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy of group health insurance that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

Sec. 5.9. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 6.5 of this act.

Sec. 6. ~~Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:~~

1. A policy of health insurance issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 6.5. 1. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

Sec. 6.9. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 7.5 of this act.

Sec. 7. ~~Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:~~

1. A health care plan of a health maintenance ~~plan~~ organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance ~~plan~~ organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 7.5. 1. A health care plan of a health maintenance organization that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A health care plan of a health maintenance organization that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage for a health care plan of a health maintenance organization that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or

after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

Sec. 7.6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.200, inclusive, **and section 7.5 of this act,** 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7.7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if he finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **and sections 7 and 7.5 of this act,** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080;
or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of final adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as he may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 7.9. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 8.5 of this act.

~~Sec. 8. [Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 8.5. *1. A health care plan issued by a managed care organization that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:*

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A health care plan issued by a managed care organization that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage for a health care plan issued by a managed care organization that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

Sec. 8.9. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 9.3 and 9.5 of this act.

Sec. 9. (Deleted by amendment.)

Sec. 9.3. 1. If the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada provides health insurance through a plan of self-insurance, the plan must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. The plan of self-insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the plan which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 9.5. 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada which provides health insurance through a plan of self-insurance that provides coverage for the treatment of prostate cancer shall provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A plan of self-insurance that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A plan of self-insurance that provides coverage for the treatment of prostate cancer which is offered, delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 is void.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.170, 695G.173, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ~~and section 7~~ sections 8 and 8.5 of this act in the same manner as an insurer that is

licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 11.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 12. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 517 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 557.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 277 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 840.

SUMMARY—Revises provisions relating ~~to an unauthorized speed contest on a public highway.~~ **certain traffic offenses.** (BDR 43-435)

AN ACT relating to traffic laws; prohibiting a person from organizing an unauthorized speed contest on a public highway; **increasing the penalty for driving a vehicle in willful or wanton disregard of the safety of persons or property;** increasing the penalty for driving a vehicle in an unauthorized speed contest on a public highway; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in **willful or wanton disregard of the safety of persons or property or who drives a vehicle in an unauthorized speed contest on a public highway** is guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. In lieu of all or a part of the punishment, the convicted person may be sentenced to perform a fixed period of community service. (NRS 193.150, 484.377) Section 3 of this bill increases the penalty for committing ~~such an~~ **either** offense by establishing, in addition to the possibility of imprisonment in the county jail, a minimum fine of ~~(\$400)~~ **\$250** for the first offense, ~~(\$750)~~ **\$1,000** for the second offense and ~~(\$1,000)~~ **\$1,500** for the third and each subsequent offense. ~~As well as requiring a~~ **A** person convicted of ~~such an offense~~ **driving a vehicle in an unauthorized speed contest on a public highway is also required** to perform a minimum number of hours of community service. In addition to any fine, community service and imprisonment **imposed upon a person convicted of driving a vehicle in an unauthorized speed contest on a public highway**, the court must issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and, **for the first offense, must issue an order impounding for 15 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. For the second and each subsequent offense, the court** must issue an order impounding for 30 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. Section 3 also prohibits a person from organizing an unauthorized speed contest on a public highway and imposes the same penalties for such a violation as for a person who drives a vehicle in an unauthorized speed contest on a public highway.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~4~~ 5 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

↪ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a

program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

↪ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~[2]~~ 5 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

→ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484.377 is hereby amended to read as follows:

484.377 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) **Organize an unauthorized speed contest on a public highway.**

↪ A violation of **paragraph (a) or (b)** of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. **A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and ~~shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.~~**

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than

6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than

6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than

6 months.

3. **A person who violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor and:**

(a) For the first offense:

(1) Shall be punished by a fine of not less than ~~+\$400~~ \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than ~~+\$750~~ \$1,000 but not more than ~~+\$1,000~~ \$1,500;

(2) *Shall perform not less than 100 hours, but not more than 199 hours, of community service; and*

(3) *May be punished by imprisonment in the county jail for not more than 6 months.*

(c) *For the third and each subsequent offense:*

(1) *Shall be punished by a fine of ~~(\$1,000,)~~ not less than \$1,500 but not more than \$2,000;*

(2) *Shall perform 200 hours of community service; and*

(3) *May be punished by imprisonment in the county jail for not more than 6 months.*

4. *In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 3, the court shall:*

(a) *Issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;*

(b) *Within 5 days after issuing an order pursuant to paragraph (a), forward to the Department any licenses, together with a copy of the order;*
~~and~~

(c) *For the first offense, issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and*

(d) *For the second and each subsequent offense, issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.*

5. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years ~~, or~~ and by a fine of not less than \$2,000 but not more than \$5,000 ~~, or by both fine and imprisonment.~~

~~{3.}~~ 6. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.

7. *As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.*

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 841.

AN ACT relating to transportation; prohibiting certain vehicles from traveling on that portion of State Route 159 that is designated as a scenic route; requiring the Department of Transportation to erect suitable markers along that portion of the Route; requiring the Department to consider certain factors and to receive approval from the Board of Directors of the Department before reducing the maximum weight limits on certain highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits oversized vehicles which do not have a point of origin or destination on that portion of State Route 159 that is designated as a scenic route to travel on that portion of the Route and requires the Department of Transportation to erect suitable markers along that portion of the Route. Further, this bill requires the Department to consider certain factors and receive approval from the Board of Directors of the Department before reducing the maximum weight limits for oversized vehicles as prescribed by existing law on a highway under its jurisdiction. (NRS 484.745, 484.748, 484.7485)

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

Section 1. The Legislature hereby finds and declares that:

1. Because of its unique character, the restrictions imposed on certain large vehicles pursuant to this act are necessary for the protection of the Red Rock Canyon National Conservation Area and the safety and protection of the residents and visitors who enjoy the scenic beauty and recreational opportunities of the Red Rock Canyon.

2. The enactment of this act is not intended to encourage the imposition of similar restrictions on other designated scenic routes in this State.

Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. **1. Except as otherwise provided in subsection 3, it is unlawful for an operator or driver of any vehicle which:**

(a) Is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive; or

(b) Has a declared gross weight in excess of 26,000 pounds,

↪ *and which does not have a point of origin or destination on State Route 159 from mile post 0.0 to mile post 14.0 to travel on such Route.*

2. *The Department of Transportation shall erect suitable markers along State Route 159 and may locate them at such points as the Department of Transportation deems appropriate.*

3. *This section does not apply to:*

(a) *An authorized emergency vehicle;*

(b) *A vehicle being used in the service of a public utility as defined in NRS 704.020;*

(c) *A vehicle being used by a licensed hauler of garbage and refuse as defined in NRS 484.748;*

(d) *A school bus; or*

~~((4))~~ (e) *A charter bus.*

Sec. 4. 1. *Except as otherwise provided in NRS 484.752, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484.745, 484.748 and 484.7485 on a highway under its jurisdiction, the Department of Transportation shall:*

(a) *Consider:*

(1) *The average number of vehicles traveling on the highway each day;*

(2) *The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to subparagraph (1);*

(3) *The availability of alternate routes to the highway;*

(4) *The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;*

(5) *The number of traffic accidents involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;*

(6) *Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and*

(7) *Any other factors the Department of Transportation deems appropriate; and*

(b) *Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.*

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 872.

SUMMARY—Revises provisions governing ~~the licensing and taxation of~~ motor vehicles that are exhibited or displayed in certain museums. (BDR 43-1131)

AN ACT relating to motor vehicles; ~~exempting vehicles that are exhibited or displayed in certain museums from the governmental services tax; providing for the issuance of distinguishing license plates for such vehicles;~~ **authorizing the Department of Motor Vehicles to issue up to 12 sets of special license plates to certain nonprofit organizations for motor vehicles displayed in certain museums; authorizing the Department to charge a \$12 fee for each set of plates; prohibiting the Department from charging or collecting any fees for the transfer of a certificate of title on certain motor vehicles from certain governmental entities to certain nonprofit organizations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance by the Department of Motor Vehicles of ~~distinguishing~~ **special license plates to dealers, distributors, manufacturers and rebuilders licensed pursuant to chapter 482 of NRS for use on certain vehicles .** ~~that are exempt from the governmental services tax. (NRS 371.100, 482.368)~~ **(NRS 482.330)** This bill ~~includes as such an exempt vehicle any vehicle that is exhibited or displayed in~~ **authorizes the Department to issue not more than 12 sets of special license plates to any organization that operates a museum which is dedicated to the exhibition and display of motor vehicles and which is operated by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3). These plates may be used interchangeably on any of the motor vehicles exhibited or displayed in the museum, and the Department may not charge or collect any registration fees or governmental services tax for the issuance of the special license plates, except for a fee of \$12 for each set of plates which must be paid annually.**

Section 2 of this bill prohibits the Department from charging or collecting any fees for the transfer of a certificate of title for any motor vehicle owned by the United States, the State of Nevada or any political subdivision of the State to any nonprofit organization which operates a museum for the exhibition or display of motor vehicles.

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

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 and 2:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon application, the Department shall issue not more than 12 sets of special license plates to any organization which operates a museum for the exhibition or display of motor vehicles and which is a nonprofit

organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

2. Each set of special license plates issued pursuant to this section may be used interchangeably on any of the motor vehicles exhibited or displayed in the museum when such a motor vehicle is operated during a test drive, parade or special event or driven within 70 miles from the museum.

3. Each set of special license plates issued pursuant to this section must have displayed upon them the identification number which is assigned to the nonprofit organization. The Department may assign a different letter or symbol to each set of plates.

4. The Department shall not charge or collect any registration fees or governmental services tax for the issuance of the special license plates pursuant to this section, except that a fee of \$12 for each set of plates must be paid at the time of application.

5. The special license plates issued pursuant to this section expire 1 year after the date of issuance and may be renewed upon application and payment of a fee of \$12.

Sec. 2. Notwithstanding the provisions of NRS 482.429, for the 1-year period following October 1, 2007, the Department shall not charge or collect any fees for the transfer of a certificate of title for a motor vehicle owned by the United States, the State of Nevada or any political subdivision of the State, including, without limitation, any county, municipal corporation, city, unincorporated town or school district, to any organization which operates a museum for the exhibition or display of motor vehicles and which is a nonprofit organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 845.

AN ACT relating to transportation; establishing a regional advisory committee in each county whose population is 400,000 or more to advise the Department of Transportation on certain issues relating to oversized and overweight vehicles; removing the authority of a city or county to issue permits to operate oversized or overweight vehicles on the highways of this State; **requiring the Department to notify a city or county when an oversized or overweight vehicle has been issued a permit to proceed upon any highway that is under the jurisdiction of the city or county; requiring the Department to adopt regulations regarding the issuance of**

permits to oversized or overweight vehicles or equipment to proceed upon any highway that is under the jurisdiction of certain cities and counties; providing that the Department may adopt regulations limiting the movement of oversized or overweight vehicles ~~in~~ **in certain cities and counties;** prohibiting a local authority from enacting an ordinance requiring a permit to operate a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation and the governing body of a county or a city to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. (NRS 484.7631, 484.765) Section 2 of this bill establishes a regional advisory committee in every county in this State whose population is 400,000 or more to advise the Department and affected cities and counties on issues regarding oversized and overweight vehicles. Section 3 of this bill provides that the regional advisory committees shall make certain recommendations to the Department, and the Department may adopt regulations, regarding routes for oversized and overweight vehicles as well as the hours of the day and days of the week that best facilitate the safe movement of oversized and overweight vehicles. Section 4 of this bill grants the Department the authority to issue certain permits for oversized and overweight vehicles. **Section 5 of this bill requires the Department, upon request, to notify a city or county when a permit has been issued authorizing an oversized or overweight vehicle to use a highway under the jurisdiction of the city or county. Section 5 also requires the Department to adopt regulations regarding the issuance of permits to oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 400,000 or a city in a county whose population is less than 400,000.** Sections 9 and 12 of this bill remove the authority of a governing body of a city or county to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. **Section 9 also requires the Department to consider the recommendation of a city or county regarding the issuance of a continuous or multiple trip-limited time permit.**

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. **1. *There is hereby created in each county whose population is 400,000 or more a regional advisory committee to make recommendations to the Department of Transportation and to affected cities and counties, as applicable, regarding the movement of oversized or overweight vehicles in this State.***

2. *The membership of such a committee must consist of:*

- (a) *One member appointed by the Department of Transportation who shall serve as the chair of the committee;*
- (b) *One member appointed by the board of county commissioners;*
- (c) *One member appointed by the city council of every incorporated city within the county;*
- (d) *One member appointed by the largest construction industry association in the county; and*
- (e) *One member appointed by the largest motor transport association in the county.*

3. *Each member of such a committee must be appointed for a term of 2 years. A vacancy in the membership of the committee must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member who is appointed to fill a vacancy must possess the same general qualifications as his predecessor.*

4. *Members of such a committee shall serve without compensation.*

Sec. 3. 1. *Each committee established pursuant to section 2 of this act:*

(a) *Shall recommend to the Department of Transportation and the affected cities and counties establishment of certain routes by which oversized or overweight vehicles may proceed through a city or county and any modifications to those routes; and*

(b) *Shall recommend regulations that the Department of Transportation may adopt to limit the movement of oversized or overweight vehicles to certain:*

(1) *Routes;*

(2) *Hours of the day; or*

(3) *Days of the week,*

↳ *to ensure public safety.*

2. *The Department of Transportation and the affected cities and counties shall consider any recommendations concerning the movement of oversized or overweight vehicles made by a committee established pursuant to section 2 of this act.*

Sec. 4. *Upon receipt of the necessary application in writing, the Department of Transportation shall issue a permit to operate or move a vehicle on the highways of this State which has a load that:*

1. *Exceeds 14 feet in height;*

2. *Exceeds 70 feet in length; or*

3. *Exceeds 102 inches in width,*

↳ *unless the Department of Transportation determines that the operation of the vehicle would be a safety hazard or impede the flow of traffic.*

Sec. 5. NRS 484.471 is hereby amended to read as follows:

484.471 1. A procession, except a funeral procession, or parade, except the forces of the United States Armed Services, the military forces of this State and the forces of the police and fire departments, must not occupy,

march or proceed along any highway except in accordance with the permit issued by the proper public authority.

2. A sound truck or other vehicle equipped with an amplifier or loudspeaker must not be driven upon any highway for the purpose of selling, offering for sale or advertising in any fashion except in accordance with a permit issued by the proper public authority.

3. An oversized or overweight vehicle or equipment must not be driven, occupy or proceed upon any highway except in accordance with a permit issued by the ~~{proper public authority.}~~ *Department of Transportation.*

4. *The Department of Transportation, upon request, shall notify a city or county immediately after a permit has been issued for an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon any highway under the jurisdiction of that city or county.*

5. *Nothing in this chapter prohibits a city or county affected by the issuance of permits pursuant to this section from:*

(a) Recommending to the Department of Transportation the establishment of certain routes by which oversized or overweight vehicles may proceed through the city or county and any modifications to those routes; or

(b) Notifying the Department of Transportation if the issuance of a permit authorizing an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon a certain highway would negatively impact traffic safety or flow of traffic due to unique conditions in the city or county.

6. *The Department of Transportation shall adopt regulations regarding the issuance of permits for oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 400,000, or a city in a county whose population is less than 400,000. The regulations may limit the movement of oversized or overweight vehicles to certain:*

(a) Routes;

(b) Hours of the day; or

(c) Days of the week.

↳ to ensure public safety.

7. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 6. NRS 484.759 is hereby amended to read as follows:

484.759 1. As used in this section and NRS 484.760, "special mobile equipment" means a vehicle, not self-propelled, not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, excepting implements of husbandry.

2. The Department of Transportation with respect to highways under its jurisdiction and governing bodies of cities and counties with respect to roads under their jurisdiction may, upon application in writing, authorize the applicant to operate or move a vehicle, combination of vehicles, special

mobile equipment, or load thereon of a size or weight exceeding the legal maximum, or to use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting on the roadway but by means of a flexible band or chain, or, under emergency conditions, to operate or move a type of vehicle otherwise prohibited by law, upon any highway under the jurisdiction of the Department of Transportation or governing body granting that permit.

3. Except as otherwise provided in NRS 484.7595 to ~~[484.7631,]~~ **484.7625**, inclusive, the legal maximum width of any vehicle, combination of vehicles, special mobile equipment or load thereon is 102 inches.

4. If a vehicle is equipped with pneumatic tires, the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire must not exceed 108 inches, and the outside width of the body of the vehicle or the load thereon must not exceed 102 inches.

5. Lights or devices which must be mounted upon a vehicle under this chapter may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on each side of the vehicle, but the maximum width must not exceed 126 inches.

6. Door handles, hinges, cable cinchers and chain binders may extend 3 inches on each side, but the maximum width of body and door handles, hinges, cable cinchers or chain binders must not exceed 108 inches.

7. A person shall not operate a passenger vehicle on any highway with any load carried thereon extending beyond the line of the hubcaps on its left side or more than 6 inches beyond the line of the hubcaps on its right side.

Sec. 7. NRS 484.7605 is hereby amended to read as follows:

484.7605 1. If a vehicle is carrying a load of loosely piled agricultural products such as hay, straw or leguminous plants in bulk but not crated, baled, boxed or sacked, the load of loosely piled material and any loading racks retaining the load must not exceed 120 inches in width.

2. The provisions of NRS 484.759 with respect to maximum widths do not apply to implements of husbandry incidentally operated, transported, moved or towed over a highway other than an interstate highway or a controlled-access highway.

3. If an implement of husbandry is transported or moved as a load on another vehicle over:

(a) An interstate highway or a controlled-access highway, and the load exceeds 102 inches in width, the movement is subject to the provisions of NRS ~~[484.7631]~~ **484.7625** and the regulations adopted pursuant thereto.

(b) Any highway other than an interstate highway or a controlled-access highway, and the load exceeds 120 inches in width, the vehicle and load must not be operated for a distance of more than 25 miles from the point of origin of the trip and must not be operated at a speed in excess of 30 miles per hour.

Sec. 8. NRS 484.764 is hereby amended to read as follows:

484.764 The application for a permit under NRS 484.759 to ~~[484.7631,]~~ **484.7625**, inclusive, must:

1. Specifically describe the vehicle or special mobile equipment and load to be operated or moved and the particular highways over which the permit to operate is requested.

2. State whether the permit is requested for a single trip, for continuous use or for multiple trips over a limited time.

Sec. 9. NRS 484.765 is hereby amended to read as follows:

484.765 1. No vehicle operated or moved upon any public highway under the authority of a continuous or multiple trip-limited time permit may exceed a maximum weight of 20,000 pounds on any single axle. Before any continuous permit is issued, the applicant shall pay a reasonable fee to be determined by the Department of Transportation ~~for the governing body of any city or county~~ to pay the costs and expenses of conducting an initial investigation of the highway or highways involved.

2. If, after issuance of a continuous or multiple trip-limited time permit, ~~by~~ the Department of Transportation ~~for the governing body of any city or county~~ ~~the Department or governing body~~ finds that the traffic authorized by such continuous or multiple trip-limited time permit has caused substantial highway distress, the permit may be revoked summarily, but the revocation does not operate to prevent a subsequent filing of a new application for another continuous or multiple trip-limited time permit.

3. The Department of Transportation shall consider the recommendation of a city or county regarding whether traffic authorized by the issuance of a continuous or multiple trip-limited time permit has caused substantial distress to a highway under the jurisdiction of that city or county, and whether the permit should be revoked.

Sec. 10. NRS 484.769 is hereby amended to read as follows:

484.769 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484.739 or 484.759 to ~~[484.7631,]~~ **484.7625**, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484.759 to 484.767, inclusive, is guilty of a misdemeanor.

2. Any person operating or moving any vehicle or equipment described in NRS 484.739 or 484.759 to ~~[484.7631,]~~ **484.7625**, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon conviction, as provided in NRS 484.757.

Sec. 11. NRS 484.777 is hereby amended to read as follows:

484.777 1. The provisions of this chapter are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. ~~Unless~~ **Except as otherwise provided in subsection 3 and unless** otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the

various sections of this chapter if the provisions of the ordinance are not in conflict with this chapter ~~[-]~~ **or regulations adopted pursuant thereto.** It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information; ~~[-]~~

(c) Providing a penalty for an offense for which the penalty prescribed by this chapter is greater than that imposed for a misdemeanor ~~[-]~~; **or**

(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 12. NRS 484.7631 is hereby repealed.

Sec. 13. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

484.7631 Permit to operate oversized vehicle; coordination with affected entities; regulations limiting hours, days or routes for movement of oversized vehicle; meetings with affected industries; expedited procedure.

1. In a county whose population is less than 400,000, the Department of Transportation with respect to highways under its jurisdiction and the governing body of the county or a city in the county with respect to roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load that exceeds the legal maximum width, length or height for the vehicle, unless the Department or governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic.

2. In a county whose population is 400,000 or more:

(a) If the operation of a vehicle specified in subsection 1 will not include operation on the state highway system established pursuant to chapter 408 of NRS, the governing body of the county and each city in the county may, upon request, issue a permit to operate the vehicle on a roadway in that city or county:

(1) If the governing body has jurisdiction over the roadway at the point of origination of the route of the vehicle; and

(2) Unless the governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic; or

(b) If the operation of the vehicle will include operation on the state highway system established pursuant to chapter 408 of NRS, the Department of Transportation shall, upon request, issue a permit to operate the vehicle on a highway in that county, unless the Department of Transportation

determines that the operation would be a safety hazard or would unduly impede the flow of traffic. A holder of a permit issued pursuant to this paragraph is not required to obtain a permit pursuant to paragraph (a) before operating the vehicle in accordance with the permit issued pursuant to this paragraph.

3. Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5. Except as otherwise provided in this section, the Department of Transportation with respect to highways under its jurisdiction and the governing body of a city or county with respect to roadways under its jurisdiction may adopt regulations providing for an annual permit or a permit for a single trip for a vehicle, or a vehicle with a load exceeding 102 inches in width, 14 feet in height or 70 feet in length, and limiting the movement of the vehicle to certain hours of the day, days of the week or routes considered necessary to protect public safety. If the Department of Transportation and a governing body of a city or county adopt regulations pursuant to this section, the regulations adopted by the governing body must be consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation.

6. The Department of Transportation and each governing body specified in subsection 2 shall:

(a) Periodically meet with persons who represent industries that are affected by any regulations adopted by the Department of Transportation or the governing body relating to the issuance of permits pursuant to this section, including, but not limited to, regulations concerning fees for those permits;

(b) At each meeting specified in paragraph (a), review and consider the regulations specified in that paragraph and any proposed amendments to the regulations; and

(c) To the greatest extent practicable, ensure that the regulations are consistent.

7. The Department of Transportation and each governing body that issues a permit pursuant to subsection 2 shall, to the greatest extent practicable, establish an expedited procedure for issuing a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length:

(a) Within 1 working day after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of 144 inches or less; or

(b) Within 2 working days after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of more than 144 inches but not more than 168 inches.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that upon return from reprint, Senate Bill No. 319 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 291 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 5 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 18 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 58 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 146 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 182 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 187 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 228 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 298 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 328 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 339 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 340 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 345 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 366 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 403 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 470 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 586.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 586:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 586 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 619.

Bill read third time.

Remarks by Assemblymen Ocegüera, Marvel, and Denis.

Roll call on Assembly Bill No. 619:

YEAS—37.

NAYS—Beers, Christensen, Cobb, Goedhart—4.

EXCUSED—Settelmeyer.

Assembly Bill No. 619 having received a two-thirds majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblymen Conklin and Mabey.

Roll call on Senate Bill No. 3:

YEAS—30.

NAYS—Beers, Carpenter, Christensen, Cobb, Goedhart, Goicoechea, Grady, Hardy, Mabey,
Marvel, Stewart—11.

EXCUSED—Settelmeyer.

Senate Bill No. 3 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblymen Christensen and Mabey.

Roll call on Senate Bill No. 53:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 53 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 78:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 78 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 103 having received a two-thirds majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 111.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 111:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 111 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 143.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 143:

YEAS—39.

NAYS—Allen, Ohrenschall—2.

EXCUSED—Settelmeyer.

Senate Bill No. 143 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 147:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 147 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblyman Segerblom.

Madam Speaker requested the privilege of the Chair for the purpose of
making remarks.

Roll call on Senate Bill No. 157:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 157 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 163:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 163 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 169:

YEAS—40.

NAYS—Pierce.

EXCUSED—Settelmeyer.

Senate Bill No. 169 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 171 be taken from its
position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblymen Smith and Anderson.

Roll call on Senate Bill No. 184:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 184 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 195:

YEAS—39.

NAYS—Beers, Stewart—2.

EXCUSED—Settelmeyer.

Senate Bill No. 195 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Womack.

Roll call on Senate Bill No. 206:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 206 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 219:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 219 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblymen Carpenter and Anderson.

Roll call on Senate Bill No. 237:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 237 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly
would recess subject to the call of the Chair.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 239:

YEAS—40.

NAYS—Anderson.

EXCUSED—Settelmeyer.

Senate Bill No. 239 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Senate Bill No. 243:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 243 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 247:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 247 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess subject to the
call of the Chair.

Motion carried.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 266 be taken from its
position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 310 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 267:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 267 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 275.

Bill read third time.

Remarks by Assemblymen Goicoechea and Horne.

Roll call on Senate Bill No. 275:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 275 having received a constitutional majority,

Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 279:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 279 having received a constitutional majority,

Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblymen Carpenter, Ocegüera, Denis, Atkinson, Koivisto, and Kirkpatrick.

Roll call on Senate Bill No. 293:

YEAS—40.

NAYS—Arberry.

EXCUSED—Settelmeyer.

Senate Bill No. 293 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Roll call on Senate Bill No. 300:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 300 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 31—Directing the Legislative Commission to conduct an interim study of issues relating to elections.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblyman Ocegüera moved that all rules be suspended and that all bills and joint resolutions passed this legislative day be immediately transmitted to the Senate.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 277 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblymen Anderson and Hardy.

Roll call on Senate Bill No. 277:

YEAS—40.

NAYS—Conklin.

EXCUSED—Settelmeyer.

Senate Bill No. 277 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 5:01 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bills Nos. 320, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 38.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 38.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 954.

AN ACT relating to public utilities; removing certain entities from regulation as public utilities; eliminating the requirement that the Public Utilities Commission of Nevada conduct a hearing before ordering certain changes relating to railroad crossings; eliminating the requirement that the Commission convene a hearing not later than 60 days after a plan to increase the supply of electricity or decrease the demand for electricity is filed with the Commission; ~~exempting certain~~ **revising provisions governing the exemption of** electric generating plants ; ~~from provisions governing the construction of utility facilities;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Public Utilities Commission of Nevada to regulate public utilities in this State. (NRS 704.001) Existing law defines the term "public utility." (NRS 704.020) Section 1 of this bill removes radio and broadcasting companies, companies that own cars used as part of railroad trains and companies that operate a ditch, flume, tunnel or tunnel and drainage system from regulation as public utilities.

Existing law authorizes the Commission, after an investigation and hearing, to order certain changes relating to railroad crossings. (NRS 704.300) Section 2 of this bill removes the requirement that the Commission conduct a hearing before ordering such changes.

Existing law requires that an electric utility submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission every 3 years. (NRS 704.741) Existing law requires the Commission to convene a hearing on such a plan not later than 60 days after the plan is submitted to the Commission. (NRS 704.746) Section 5 of this bill removes the requirement that the hearing be convened within that 60-day period. Existing law also requires the Commission to accept the plan as filed or specify the portions of the plan it finds inadequate within 135 days after the plan is filed. (NRS 704.751) Section 5 extends that deadline to 180 days after the plan is filed for certain portions of the plan, but retains the 135-day deadline with respect to an amendment to an accepted plan.

Existing law sets forth a permitting process for the construction of a utility facility to minimize the environmental impact of the facility. (NRS 704.820-704.900) Existing law exempts from the permitting process certain electric generating plants which use renewable energy as their primary source of energy to generate electricity and which have a limited generating capacity. (NRS 704.860) Section 6 of this bill ~~exempts all~~ **increases the maximum allowable generating capacity of such exempt electric generating plants .** ~~from the permitting process regardless of their generating capacity.~~

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

Section 1. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any telephone company that provides a telecommunication service to the public, but only with regard to those operations of the telephone company which consist of providing a telecommunication service to the public.

~~[(c) Any radio or broadcasting company or instrumentality that provides a common or contract service.~~

~~(d) Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service and any company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.]~~

2. "Public utility" or "utility" also includes:

~~(a) [Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.~~

~~(b)] Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.~~

~~[(e)] (b) Any system for the distribution of liquefied petroleum gas to 10 or more users.~~

↪ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 2. NRS 704.300 is hereby amended to read as follows:

704.300 1. After an investigation ~~[and hearing, which has been]~~ initiated either upon the Commission's own motion ~~[,]~~ or as the result of the filing of a formal application or complaint by the Department of Transportation, the board of county commissioners of any county, the town board or council of any town or municipality, or any railroad company, the Commission may ~~[determine, and]~~ order for the safety of the traveling public:

(a) The elimination, alteration, addition or change of a highway crossing or crossings over any railroad at grade, or above or below grade, including its approaches and surface.

(b) Changes in the method of crossing at grade, or above or below grade.

(c) The closing of a crossing and the substitution of another therefor.

(d) The removal of obstructions to the public view in approaching any crossing.

(e) Such other details of use, construction and operation as may be necessary to make grade-crossing elimination, changes and betterments for the protection of the public and the prevention of accidents effective.

2. The Commission shall order that the cost of any elimination, removal, addition, change, alteration or betterment so ordered must be divided and paid in such proportion by the State, county, town or municipality and the railroad or railroads interested as is provided according to the circumstances occasioning the cost ~~[-]~~ in NRS 704.305.

3. ~~[-]~~ ***If the Commission chooses to conduct a hearing before issuing an order pursuant to subsection 1, all*** costs incurred by reason of ~~any hearing held under this section before the Commission,~~ ***the hearing,*** including , but not limited to , publication of notices, reporting, transcripts and rental of hearing room, must be apportioned 50 percent to the governmental unit or units affected and 50 percent to the railroad or railroads.

Sec. 3. NRS 704.673 is hereby amended to read as follows:

704.673 ~~[-]~~ ~~Every~~

1. Except as otherwise provided in subsection 2, every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying such services for the use of the public and for the use of its own members is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this chapter . ~~[-]~~ ~~but in~~

2. In the case of the acquisition of the certificate or all or any part of the territory of a public utility, as defined in paragraph ~~[(b)]~~ ***(a)*** of subsection 2 of NRS 704.020, by a cooperative association or nonprofit corporation or association which ~~[-]~~ ~~prior to~~ ***before*** April 26, 1963, had supplied services for the use of its own members only, ~~[-]~~ ~~this section shall not be~~ ***the provisions of subsection 1 are not*** applicable for a period of 6 months or the expiration of such reasonable extension or extensions of ~~such~~ ***that*** 6-month period as may be ordered by the Commission, during which period the cooperative association or nonprofit corporation or association may enroll as its members the customers of the public utility whose certificate or territory was acquired so as to make such acquiring cooperative association or nonprofit corporation or association subject only to the limited jurisdiction, control and regulation of the Commission, and only to the specific provisions of chapter 704 of NRS as provided by NRS 704.675.

Sec. 4. NRS 704.746 is hereby amended to read as follows:

704.746 ***1. [Not more than 60 days after] After*** a utility has filed its plan ~~[-]~~ ***pursuant to NRS 704.741,*** the Commission shall convene a public hearing on the adequacy of the plan.

2. At the hearing any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

3. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration; and

(6) Other generation facilities.

4. The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection 3 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section; and

(c) Provide levels of service that are adequate and reliable.

5. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

Sec. 5. NRS 704.751 is hereby amended to read as follows:

704.751 1. ~~Within 135 days after~~ **After** a utility has filed ~~its plan,~~ **the plan required pursuant to NRS 704.741**, the Commission shall issue an order accepting the plan as filed or specifying any portions of the plan it deems to be inadequate ~~[-]~~:

(a) **Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and**

(b) **Within 180 days for all portions of the plan not described in paragraph (a).**

2. **If a utility files an amendment to a plan, the Commission shall issue an order accepting the amendment as filed or specifying any portions of the amendment it deems to be inadequate within 135 days of the filing of the amendment.**

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

Sec. 6. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity ~~and~~ and which have or will have a generating capacity of not more than ~~[150 kilowatts,]~~ 35 megawatts, including, without limitation, a net metering system, as defined in NRS 704.771.

↪ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 7. Notwithstanding any other provision of law to the contrary:

1. Perfection or notice provided by a security instrument covering real or personal property located in this State which was filed with the Secretary of State or recorded in the office of a county recorder before July 1, 2007, in compliance with the provisions of chapter 105 of NRS, by a person who, on and after July 1, 2007, is not subject to regulation as a public utility pursuant to NRS 704.020, as amended by section 1 of this act, remains effective for the period provided by the law in effect at the time of its filing or recordation.

2. Such an instrument may be filed anew pursuant to NRS 104.9101 to 104.9709, inclusive, and if so filed has the effect given to security instruments originally filed pursuant to NRS 104.9101 to 104.9709, inclusive. The priority of such a filing dates from the time that the security interest was first filed with the Secretary of State or recorded in the office of a county recorder and not from the date the instrument is filed anew pursuant to NRS 104.9101 to 104.9709, inclusive.

Sec. 8. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 871.

AN ACT relating to airports; exempting the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law and with certain exceptions, the governing body of a city is required to obtain two independent appraisals when offering real property for sale or lease and is required to sell or lease the property at auction. (NRS 268.059-268.062) **Similar provisions apply to counties. (NRS 244.2795-244.283)** Under existing law, airport authorities created by special acts of the Legislature are required to sell or otherwise dispose of real property by public auction. (Airport Auth. Act for Battle Mountain, § 10; Airport Auth. Act for Carson City, § 9; Reno-Tahoe Airport Auth. Act, § 10) This bill authorizes the ~~governing body of a city located in~~ **board of county commissioners of** a county whose population is less than 40,000 (currently counties other than Clark, Washoe, Elko and Douglas Counties, and Carson City) , **the governing body of a city located in such a county** or an airport authority in such a county (currently the Airport Authority of Battle Mountain) to rent or lease space for the parking or storage of aircraft on the grounds of ~~a municipal~~ **an** airport owned or operated by the **county**, city or ~~the~~ airport authority without conducting or causing to be conducted an appraisal or a public auction. (NRS 496.080; Airport Auth. Act for Battle Mountain, § 10)

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

Section 1. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as otherwise provided in subsection 2 or as may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility ~~or~~ or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~Made~~ **Except as otherwise provided in subsection 3, made** by public auction; and

(b) In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.

3. *The governing body of a city located in a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of a municipal airport that is owned or operated by the city without conducting or causing to be conducted an appraisal or a public auction.*

Sec. 1.2. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

A board of county commissioners of a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport that is owned or operated by the county without conducting or causing to be conducted an appraisal or a public auction.

Sec. 1.4. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 **and section 1.2 of this act** and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct

appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 1.6. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, and section 1.2 of this act and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.

(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

2. Before the board of county commissioners may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➔ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than \$1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property and, except for property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the property is appraised at \$1,000 or more, the board of county commissioners may:

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property

to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 1.8. NRS 244.283 is hereby amended to read as follows:

244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase, dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.

2. Except as otherwise provided in NRS 244.279, and section 1.2 of this act, before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:

(a) Describe the property proposed to be leased in such manner as to identify it.

(b) Specify the minimum rental, and the terms upon which it will be leased.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.

3. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.

7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

8. The board may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

Sec. 2. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale of real property until after the property has been appraised pursuant to NRS 268.059. Except as otherwise provided in this section, ~~and~~ paragraph (a) of subsection 1 of NRS 268.050 ~~and~~ **subsection 3 of NRS 496.080:**

(a) The sale or lease of real property must be made in the manner required pursuant to NRS 268.059, 268.061 and 268.062; and

(b) A lease or sale must be made at or above the highest appraised value of the real property as determined pursuant to the appraisal conducted pursuant to NRS 268.059.

2. The city council may sell or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 3. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080**, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 4. NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080**, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➔ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to NRS 268.059 to determine the value of the real property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at \$1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of

trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 5. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, **and subsection 3 of NRS 496.080**, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement

entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

- (a) Describe the property proposed to be sold or leased in such a manner as to identify it;
- (b) Specify the minimum price and the terms upon which the property will be sold or leased; and
- (c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

- (a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and
- (b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

- (1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

- (2) The minimum price of the real property proposed to be sold or leased at auction; and

- (3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

↪ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to

buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

Sec. 5.5. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, **and section 1.2 of this act**, dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

- (a) Constitutes a taking of all or any part of the property, or interest therein;
- (b) Lowers the value of the property; or
- (c) Constitutes a nuisance.

5. As used in this section:

- (a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.
- (b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.
- (c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 6. Section 10 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as last amended by chapter 381, Statutes of Nevada 2005, at page 1470, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority may, by reason of example and not of limitation:

1. Have perpetual succession and sue and be sued.
2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.
3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.
4. Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. ~~##~~ ***Unless the provisions of subsection 5 apply, if*** the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.

5. ***The Authority may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport controlled by the Authority without conducting or causing to be conducted an appraisal or a public auction.***

6. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

~~{6-}~~ 7. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.

~~{7-}~~ 8. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.

~~{8.}~~ **9.** Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

~~{9.}~~ **10.** Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.

~~{10.}~~ **11.** Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

~~{11.}~~ **12.** Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

~~{12.}~~ **13.** Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

~~{13.}~~ **14.** Provide its own fire protection, police and crash and rescue service.

~~{14.}~~ **15.** Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

~~{15.}~~ **16.** Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

~~{16.}~~ **17.** Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

~~{17.}~~ **18.** Adopt regulations governing vehicular traffic on its airports relating, but not limited to, speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 873.

AN ACT relating to motor vehicles; requiring inspections for certain vehicles to ensure their roadworthiness; amending criteria which may be used to deny, revoke or refuse to renew a license; amending provisions relating to surety bonds provided by brokers, manufacturers, distributors, rebuilders and dealers; requiring a driving school to inspect its vehicles annually; increasing penalties for a violation of rules and regulations regarding driving schools; increasing the penalties for selling a vehicle with an altered odometer; amending provisions relating to the wrecking and salvaging of vehicles; amending the procedures for a transfer of ownership in a vehicle by a junk certificate; repealing a provision relating to special license plates issued to a dealer; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill expands the authority of investigators of the Department of Motor Vehicles in enforcing laws relating to acts of fraud by businesses licensed by the Department. (NRS 481.048)

Section 4 of this bill requires certain vehicles to be inspected and certified for roadworthiness before they may be given a title. Section 5 of this bill requires a licensed dealer, rebuilder, manufacturer, distributor, broker or long-term or short-term lessor and other licensees to display their licenses in a conspicuous place. Section 6 of this bill creates a legal presumption that a person engaged in certain activities is a vehicle dealer for purposes of chapter 482 of NRS, and section 20 of this bill provides criminal penalties for anyone doing so without a license.

Section 17 of this bill requires a person who submits a license renewal electronically to keep the required statement regarding child support on file for 3 years. (NRS 425.520, 482.319) Sections 20, 21, 51, 53, 57, 61 and 62 of this bill create new and amend existing provisions of NRS relating to an applicant's unfitness for a license. (NRS 482.322, 482.3255, 487.160, 487.490, 487.564, 487.650) Sections 22 and 23 of this bill provide the conditions under which a dealer's branch location may be operated. (NRS 482.326, 482.332) Section 22.5 of this bill allows dealers to use not more than six license plates issued to them by the Department for personal use by them or by a member of their immediate family. (NRS 482.330)

Sections 7 and 24 of this bill require the Director of the Department to consider any administrative fines imposed upon a dealer, distributor, rebuilder, manufacturer or broker before renewal of a license. The Director may also require an additional bond before renewing a license. (NRS 482.3331)

Sections 25 and 27 of this bill increase the amount of a bond which must be given as surety by a dealer, distributor, rebuilder, manufacturer or broker and establishes a procedure for collecting on the bond. (NRS 482.3333, 482.345) Section 26 of this bill prohibits a broker from displaying or using a vehicle in conjunction with an advertisement if he is not licensed to sell the vehicle. Existing law provides that a used vehicle dealer may sell at wholesale a new vehicle to a new or used vehicle dealer. (NRS 482.350) Section 28 of this bill limits this provision to certain instances.

Section 30 of this bill exempts a holder of a temporary permit as a salesman from the right to a hearing if a license is denied. (NRS 482.353) Sections 37, 40 and 55 of this bill provide expanded criminal penalties for submitting falsified information to the Department. (NRS 482.436, 482.555, 487.200)

Section 42 of this bill requires a driving school to ensure its vehicles are inspected annually for roadworthiness and safety. Section 43 of this bill allows the Department to impose an administrative fine which does not exceed \$2,500 for violation of provisions relating to driving schools. Section 44 of this bill changes the length of time a license to operate a driving school is valid from 5 years to 1 year. (NRS 483.730)

Section 46 of this bill expands the activities relating to altering vehicle odometers for which a person is subject to a criminal penalty. (NRS 484.6063, 484.6067) Section 47 of this bill increases the penalty for knowingly selling a motor vehicle with an odometer that has been altered for the purpose of fraud. (NRS 484.6067) Section 48 of this bill raises the minimum amount that a person must pay to someone harmed by a violation of certain provisions relating to odometers from \$1,500 to \$2,500. (NRS 484.6068)

Section 52 of this bill defines when a salvage vehicle is considered to be in its entirety as opposed to when it is considered to be in parts. Section 54 of this bill expands existing provisions that require a wrecker to maintain records relating to vehicles in his possession. (NRS 487.170) Section 56 of this bill revises the procedures by which a vehicle is transferred by a junk certificate. (NRS 487.260)

Section 60 of this bill makes failure to pay or otherwise discharge a final judgment rendered against a garageman, instead of just failure to comply with an order of a court, grounds for the Department to revoke or refuse to renew his certificate of registration. (NRS 487.563)

Section 66 of this bill makes it a misdemeanor to violate any section of chapter 108 of NRS relating to statutory liens, unless otherwise provided. Sections 67 and 68 of this bill require certain regulations relating to activities performed by an inspection station to be adopted by the State Environmental Commission, not the Department of Motor Vehicles. (NRS 445B.775, 445B.785) Section 69 of this bill requires sellers and long-term lessors to provide evidence of compliance with emissions requirements with the dealer's report of sale. (NRS 445B.800) Section 70 of this bill repeals the

authority of dealers to register certain vehicles without paying the government services taxes on those vehicles. (NRS 482.321)

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

Section 1. NRS 481.048 is hereby amended to read as follows:

481.048 1. The Director shall appoint, within the limits of legislative appropriations, investigators for the Division of Compliance Enforcement.

2. The duties of the investigators are to travel the State and:

(a) Act as investigators in the enforcement of the provisions of chapters 482 and 487 of NRS, NRS 108.265 to 108.360, inclusive, and 108.440 to 108.500, inclusive, as those sections pertain to motor vehicles, trailers, motorcycles, recreational vehicles and semitrailers, as defined in chapter 482 of NRS.

(b) Act as advisers to ~~{dealers}~~ **any business licensed by the Department** in connection with any problems arising under the provisions of ~~{chapter 482}~~ **chapters 108, 482, 483 and 487** of NRS.

(c) ~~{Cooperate with}~~ **Advise and assist** personnel of the Nevada Highway Patrol in the enforcement of ~~{the}~~ **traffic laws and** motor vehicle **registration** laws as they pertain to ~~{dealers}~~ **any business licensed by the Department**.

(d) Act as investigators in the enforcement of the provisions of NRS 483.700 to 483.780, inclusive, relating to the licensing of schools and instructors for training drivers.

(e) **Exercise their police powers ~~to prevent acts of fraud by any business licensed by the Department as those acts pertain to motor vehicle laws.~~ in the enforcement of the laws of this State to prevent acts of fraud or other abuses in connection with the provision of services offered to the public by the Department.**

(f) Perform such other duties as may be imposed by the Director.

Sec. 1.5. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. **"Kit trailer" means a vehicle without motive power which:**

1. **Is designed to carry property on its own structure and to be drawn or towed by a motor vehicle;**

2. **Is sold new in an unassembled, prepackaged condition;**

3. **Does not exceed 6 feet in width and 8 feet in length once assembled;**
and

4. **Does not weigh more than 250 pounds unladen.**

Sec. 3. **"Service vehicle" or "work vehicle" means a vehicle owned and operated by a licensed dealer, manufacturer, distributor, long-term or short-term lessor, rebuilder or broker in the furtherance of his business. Such vehicles include, without limitation, a passenger shuttle bus, a tow car, a delivery vehicle or any other vehicle used to transport customers or property to or from the place of business of the dealer, manufacturer, distributor, long-term or short-term lessor, rebuilder or broker.**

Sec. 4. 1. *Before an application for a title for a rebuilt, reconstructed or specially constructed vehicle may be submitted, the vehicle must be inspected and a certificate of inspection must be completed on a form prescribed by the Department which attests that:*

(a) The work performed on the vehicle meets the standards of the manufacturer for mechanical fitness and safety;

(b) The vehicle has been repaired to the standards of the manufacturer; and

(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.

2. *An application for a title for a rebuilt, reconstructed or specially constructed vehicle must include an affidavit which states that the vehicle:*

(a) Has been inspected pursuant to subsection 1;

(b) Is in a condition to be operated safely on the highways of this State; and

(c) Has all safety equipment required by the manufacturer.

3. *Any of the following persons may complete the inspection and sign the certificate of inspection and the affidavit required by subsections 1 and 2:*

(a) A garageman who operates a garage that is registered pursuant to NRS 487.560;

(b) The owner of a body shop licensed pursuant to NRS 487.630;

(c) A rebuilder licensed pursuant to NRS 482.325; or

(d) Any employee of a garageman, owner of a body shop or rebuilder who is authorized by his employer to inspect the vehicle and attest that the repairs have been completed in accordance with the standards of the manufacturer.

Sec. 5. *A dealer, rebuilder, manufacturer, distributor, broker or long-term or short-term lessor licensed under the provisions of this chapter shall post his license, and all licenses issued to persons in his employ who are licensed as salesmen, in a conspicuous place clearly visible to the general public at the location described in the license.*

Sec. 6. *Except as otherwise provided in subsection 2 of NRS 482.020, the following activities are prima facie evidence that a person is engaged in the activities of a vehicle dealer:*

1. *A person displays for sale, sells or offers for sale any vehicle which he does not personally own;*

2. *A person demonstrates, or allows the demonstration or operation of, any vehicle for the purpose of sale or future sale or as an inducement to purchase the vehicle; or*

3. *A person engages in an activity specified by subsection 1 of NRS 482.020 or any other act regarding a vehicle which would lead a*

reasonable person to believe that he may purchase that vehicle or a similar vehicle.

Sec. 7. *The Director shall, before renewing any license issued pursuant to NRS 482.325, consider:*

1. The number and types of complaints received against a manufacturer, distributor, rebuilder or dealer by the Department; and

2. Any administrative fines imposed upon the manufacturer, distributor, rebuilder or dealer by the Department pursuant to NRS 482.554 and 482.565,

↪ and may require the manufacturer, distributor, rebuilder or dealer to provide a good and sufficient bond in the amount set forth in subsection 1 of NRS 482.345 for each category of vehicle sold at each place of business and in each county in which the manufacturer, distributor, rebuilder or dealer is licensed to do business.

Sec. 8. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 482.011 is hereby amended to read as follows:

482.011 "Based" means *the place or domicile where a vehicle is* primarily used, or if a vehicle is often used in more than one county, then it means *the place or domicile where the vehicle is* primarily stored or ~~maintained.~~ *kept.* A vehicle registered for intercounty or interstate operation under the provisions of chapter 706 of NRS shall be deemed to have no base.

Sec. 10. NRS 482.0125 is hereby amended to read as follows:

482.0125 "Branch" means an established place of business of a vehicle dealer *or long-term or short-term lessor* at which he conducts business simultaneously with, and physically separated from, his principal established place of business.

Sec. 11. NRS 482.0127 is hereby amended to read as follows:

482.0127 "Broker" means a person who, for a fee or any other consideration, offers to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered *or for which an ownership interest has not been taken* by the broker.

Sec. 12. NRS 482.020 is hereby amended to read as follows:

482.020 1. "Dealer" or "vehicle dealer" means any person who:

(a) For compensation, money or other thing of value sells, exchanges, buys, offers or displays for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a vehicle subject to registration under this chapter or induces or attempts to induce any person to buy or exchange an interest in a vehicle;

(b) *Represents himself as having the ability to sell, exchange, buy or negotiate the sale or exchange of an interest in a vehicle subject to registration under this chapter or in any other state or territory of the United States;*

(c) Receives or expects to receive a commission, money, brokerage fee, profit or any other thing of value from the seller or purchaser of a vehicle; or

~~{(e)}~~ (d) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade vehicles for the purpose of resale, selling or offering for sale or consignment to be sold or otherwise dealing in vehicles, whether or not he owns the vehicles.

2. "Dealer" or "vehicle dealer" does not include:

(a) An insurance company, bank, finance company, government agency or any other person coming into possession of a vehicle, acquiring a contractual right to a vehicle or incurring an obligation with respect to a vehicle in the performance of official duties or under the authority of any court of law, if the sale of the vehicle is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction;

(b) A person, other than a long-term or short-term lessor, who is not engaged in the purchase or sale of vehicles as a business, but is disposing of vehicles acquired by the owner for his use and not for the purpose of avoiding the provisions of this chapter, or a person who sells not more than three personally owned vehicles in any 12-month period;

(c) Persons regularly employed as salesmen by dealers, licensed under this chapter, while those persons are acting within the scope of their employment; ~~{or}~~

(d) Persons who are incidentally engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States if their sales of such vehicles produce less than 5 percent of their total gross revenue ~~{}~~; *or*

(e) *Persons who sell kit trailers but no other vehicle defined by this chapter.*

Sec. 13. NRS 482.076 is hereby amended to read as follows:

482.076 Except as otherwise provided in NRS 482.363521, "new vehicle" means a vehicle ~~{that}~~:

~~1. Has~~ :

1. *That has* never been registered with the Department and has never been registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country; ~~{or}~~

~~2. If it~~

2. *For which a certificate of title has never been issued by the Department or by the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country; or*

3. *That* has been so registered ~~and~~ *or for which a certificate of title has been so issued, if the vehicle* is equipped with an odometer ~~that~~ registers 2,500 miles or less. ~~on the odometer.~~

Sec. 14. NRS 482.097 is hereby amended to read as follows:

482.097 1. "Rebuilder" means a person engaged in the ~~business~~ :

(a) *Business* of reconstructing motor vehicles by the alteration, addition or substitution of substantial or essential parts ~~that~~ ; *or*

(b) *Assembling of replica or specially constructed vehicles from unassembled parts.*

2. Nothing in this section shall be construed to require any licensed new or used vehicle dealer to secure a license as a rebuilder in conjunction with rebuilding in his own facilities.

Sec. 15. NRS 482.1005 is hereby amended to read as follows:

482.1005 1. "Recreational park trailer" means a vehicle which is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and which:

~~1.~~ (a) Is built on a single chassis mounted on wheels;

~~2.~~ (b) Has a gross trailer area not exceeding 400 square feet in the set-up mode; and

~~3.~~ (c) Is certified by the manufacturer as complying with Standard No. A119.5 of the American National Standards Institute.

2. *Nothing in this section shall be construed to mean that a recreational park trailer is a vehicle which must be registered pursuant to the provisions of this chapter.*

Sec. 15.5. NRS 482.132 is hereby amended to read as follows:

482.132 Except as otherwise provided in NRS 482.366605, "used vehicle" means a vehicle that:

1. Has been registered with the Department or ~~has been registered~~ with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country ~~;~~ *and*

~~2. If~~ *, and if* equipped with an odometer, registers more than 2,500 miles on the odometer ~~that~~ ; *or*

2. *Regardless of mileage, is at least 1 model year old, as determined by the vehicle manufacturer, and has been registered with the Department or with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country for 30 days or more, if no exemptions for registration exist under the laws of this State or the laws of the jurisdiction in which the vehicle was registered.*

Sec. 16. NRS 482.220 is hereby amended to read as follows:

482.220 1. If the vehicle to be registered is a specially constructed, reconstructed, rebuilt or foreign vehicle, that fact must be stated in the application. If the vehicle is a foreign vehicle which has been registered theretofore outside of this State, the owner shall exhibit to the Department

the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the Department that the applicant is the lawful owner or possessor of the vehicle.

2. The application must be accompanied by a motor vehicle inspection certificate signed by a representative of the Department or, as one of the Department's authorized agents, by:

- (a) A peace officer;
- (b) A dealer;
- (c) A rebuilder;
- (d) An automobile wrecker; or
- (e) A garageman or a service station operator or attendant, so designated in writing by the Director.

3. ~~The~~ ***Except for a peace officer acting in his official capacity, the*** Department or any of its authorized inspection agents are entitled to charge \$1 for inspection of any vehicle described in subsection 1.

4. For the purposes of this section, "peace officer" means any employee, volunteer or designee of a law enforcement agency acting in an official capacity.

Sec. 16.5. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

- (a) Collect the fees for license plates and registration as provided for in this chapter.
- (b) ~~{Except as otherwise provided in NRS 482.321, collect}~~ ***Collect*** the governmental services tax on the vehicle, as agent for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.
- (c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.
- (d) Issue a certificate of registration.
- (e) If the registration is performed by the Department, issue the regular license plate or plates.
- (f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to him.

2. Upon proof of ownership satisfactory to the Director, he shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

Sec. 17. NRS 482.319 is hereby amended to read as follows:

482.319 1. ~~{A}~~ ***Except as otherwise provided in subsection 5, a*** natural person who applies for the issuance or renewal of a license issued pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.

Sec. 18. NRS 482.320 is hereby amended to read as follows:

482.320 1. Except as otherwise provided in NRS 482.31776, a manufacturer, distributor, dealer or rebuilder who has an established place of business in this State ~~[, or a manufacturer who has executed a franchise with a dealer or distributor who has an established place of business in this State,]~~ and who owns or controls any new or used vehicle of a type otherwise required to be registered under the provisions of this chapter, may operate that vehicle or allow it to be operated for purposes of display, demonstration,

maintenance, sale or exchange if there is displayed thereon a special plate or plates issued to the manufacturer, distributor, dealer or rebuilder as provided in NRS 482.275 and 482.330. ~~{Such a vehicle may also be moved or operated for the purpose of towing other vehicles which are to be sold or exchanged, or stored for the purpose of sale or exchange.}~~ Owners or officers of the corporation, *managers*, heads of departments and salesmen may *be temporarily assigned and* operate a vehicle displaying such plates.

2. The provisions of this section do not apply to:

(a) Work or service vehicles owned or controlled by a manufacturer, distributor, dealer or rebuilder.

(b) Vehicles leased by dealers, except vehicles rented or leased to vehicle salesmen in the course of their employment.

(c) Vehicles which are privately owned by the owners, officers or employees of the manufacturer, distributor, dealer or rebuilder.

(d) Vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Vehicles which have been given or assigned to persons who work for a manufacturer, distributor, dealer or rebuilder for services performed.

(f) Vehicles purchased by a manufacturer, distributor, dealer or rebuilder for personal use which the manufacturer, distributor, dealer or rebuilder is not licensed or authorized to resell.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 482.322 is hereby amended to read as follows:

482.322 1. Except as otherwise provided in *subsection 2 and* NRS 482.3225, a person shall not engage in the activities of a new vehicle dealer, used vehicle dealer, manufacturer, distributor or rebuilder in this State until he has been issued:

(a) A new vehicle dealer's, used vehicle dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or similar license or permit by every city within whose corporate limits he maintains an established place of business and by every county in which he maintains an established place of business outside the corporate limits of a city; and

(b) A license by the Department. The Department shall not issue a license to the person until he has been issued all certificates, licenses and permits required by paragraph (a).

2. *A person licensed as a dealer pursuant to this chapter shall not engage in the activities of a new vehicle dealer until he has provided the Department with satisfactory proof that he is authorized by a manufacturer to display and offer for sale vehicles produced or distributed by that manufacturer.*

3. A vehicle dealer's, manufacturer's or rebuilder's license issued pursuant to this chapter does not permit a person to engage in the business of a new or used mobile home dealer, manufacturer or rebuilder.

~~{3}~~ 4. The Department shall investigate any applicant for a dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or

license and complete an investigation report on a form provided by the Department.

5. A person who violates subsection 1 or 2 is guilty of:

(a) For a first offense, a misdemeanor.

(b) For a second offense, a gross misdemeanor.

(c) For a third and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

Sec. 21. NRS 482.3255 is hereby amended to read as follows:

482.3255 Evidence of unfitness of an applicant or a licensee for purposes of denial or revocation of a license may consist of, but is not limited to:

1. Failure to discharge a lienholder on a vehicle within 30 days after it is traded to his dealership.

2. Being the former holder of or being a partner, officer, director, owner or manager involved in management decisions of a dealership which held a license issued pursuant to NRS 482.325 which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of a vehicle on a certificate of title.

5. Purchasing, selling, otherwise disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

6. Willfully failing to deliver to a purchaser or his lienholder a certificate of title to a vehicle he has sold.

7. Refusing to allow an agent of the Department to inspect, during normal business hours, all books, records and files of the dealership which are maintained within the State.

8. Any fraud which includes, but is not limited to:

(a) Misrepresentation in any manner, whether intentional or grossly negligent, of a material fact.

(b) An intentional failure to disclose a material fact.

9. Willful failure to comply with any regulation adopted by the Department.

10. Knowingly submitting or causing to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership or any duplicate thereof for a vehicle.

11. Knowingly causing or allowing a false, forged or otherwise fraudulent document to be maintained as a record of his business.

12. Violating the provisions of NRS 482.555 which involved the sale or transfer of interest in a vehicle.

Sec. 22. NRS 482.326 is hereby amended to read as follows:

482.326 1. A vehicle dealer shall inform the Department of the location of each place at which he conducts any business, and the name under which he does business at each location.

2. If a vehicle dealer does business at more than one location, he shall designate one location in each county in which he does business as his principal place of business for that county and one name as the principal name of his business. He shall designate all of his other business locations not otherwise designated as a principal place of business pursuant to this subsection as branches.

3. *A vehicle dealer who maintains a principal place of business and one or more businesses designated as branches may operate those branches under the authority of the license issued by the Department to the principal place of business under the following conditions:*

(a) The principal and branch locations are owned and operated by the same principal or group of principals listed on the records of the Department for the principal place of business;

(b) The sales activities conducted at a branch location are the same as those authorized by the Department at the principal place of business;

(c) The principal place of business and each branch location are located within the same county;

(d) The principal place of business and each branch location maintains the appropriate city or county license;

(e) The closest boundary of a branch location is not more than 500 feet from the principal place of business;

(f) The business sign displayed at each branch location meets the requirements of NRS 482.332 and is essentially the same in name, style and design as that of the principal place of business;

(g) Sales transactions originating at a branch location must be culminated, and the records of the transaction maintained, at the principal place of business; and

(h) The vehicle dealer shall provide all documentation which the Department deems necessary to ensure that each business location is operated in accordance with the provisions of this chapter and all other applicable laws and regulations established for the operation of a vehicle sales business in this State.

4. If a vehicle dealer changes the name or location of any of his established places of business, he shall ~~not later than 10 days after making the change, submit to the Department such documents relating to the change as the Department by regulation requires.~~ **not conduct business as a vehicle dealer under the new name or at the new location until he has been issued a license for the new name or location from the Department.**

Sec. 22.5. NRS 482.330 is hereby amended to read as follows:

482.330 1. Upon issuance of a dealer's, distributor's, manufacturer's or rebuilder's license certificate pursuant to NRS 482.322, the Department shall furnish to the manufacturer, distributor, dealer or rebuilder one or more

registration certificates and special plates for use on the vehicles described in the provisions of NRS 482.320. Each plate must have displayed upon it the identification number which is assigned to the dealer, distributor, manufacturer or rebuilder, and may at the discretion of the Department have a different letter or symbol on each plate or pair of plates. The manufacturer's, distributor's, dealer's or rebuilder's license plates may be used interchangeably on that vehicle.

2. The Department shall issue to each dealer a reasonable number of registration certificates and license plates.

3. The Department shall provide by regulation for the issuance of special license plates to dealers or rebuilders and for the number of those plates for use on vehicles loaned by those dealers or rebuilders to:

- (a) Customers in the course of business.
- (b) The State of Nevada.
- (c) The Nevada System of Higher Education.
- (d) A school district.
- (e) A county, city or town.
- (f) An organization that is exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code.

↪ The regulations must prescribe what use may be made of the plates and the persons who may operate a motor vehicle with those plates.

4. Notwithstanding the provisions of subsection 3, a dealer may use not more than six special plates from the total number of plates issued pursuant to this section for personal use by the dealer or a member of his immediate family.

Sec. 23. NRS 482.332 is hereby amended to read as follows:

482.332 ~~{A}~~

1. Except as otherwise provided in subsection 2, at each of his established places of business, each vehicle dealer, manufacturer, lessor, rebuilder and ~~each~~ broker shall permanently affix a sign containing the name of his business in lettering of sufficient size to be clearly legible from the center of the nearest street or roadway, except that the lettering must be at least 8 inches high and formed by lines that are at least 1-inch wide.

2. Upon approval of the Director, and in accordance with all other city and county ordinances, a vehicle dealer or a long-term or short-term lessor may be exempted from the requirements of subsection 1 if:

- (a) His established place of business or branch location is located within the confines of another business;**
- (b) The other place of business is the primary business at that location; and**
- (c) The primary business is not licensed pursuant to any provision of this chapter.**

Sec. 24. NRS 482.331 is hereby amended to read as follows:

482.331 The Director shall, before renewing any license issued pursuant to NRS 482.333, consider ~~the~~:

1. *The number and types of complaints ~~[, if any,]~~ received against a ~~[licensed]~~ broker by the Department ~~[,]; and~~*

2. *Any administrative fines imposed upon the broker by the Department pursuant to NRS 482.554 and 482.565,*

↪ and may require the broker to provide a good and sufficient bond in the amount set forth in subsection 1 of NRS 482.345 for each category of vehicle for which services are provided at each place of business and in each county in which the broker is licensed to do business.

Sec. 25. NRS 482.3333 is hereby amended to read as follows:

482.3333 1. Before a person may be licensed as a broker, he must procure and file with the Department a good and sufficient bond in the amount of ~~[\$50,000]~~ **\$100,000** with a corporate surety thereon licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct his business as a broker without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter.

2. ~~The Department may ~~[, by agreement with any broker who has been licensed as a broker for 5 years or more, allow a reduction in the amount of the bond if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$5,000.~~~~

~~2.]~~ *allow a broker who provides services for more than one category of vehicle described in subsection 1 of NRS 482.345 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.*

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

~~[3.]~~ 4. The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by any employee of the licensed broker who acts on behalf of the broker and within the scope of his employment.

~~[4.]~~ 5. The bond must provide that any person injured by the action of the broker or his employee in violation of any provision of this chapter may ~~[bring an action on the bond.]~~ *apply to the Director, for good cause shown, for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.*

6. *If a person is injured by the actions of a broker or his employee, the person may:*

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the broker or his employee, the judgment is binding on the surety.

(2) A judgment other than on the merits against the broker or his employee, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the broker or his employee.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the broker or his employee. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

7. Any judgment entered by a court against a broker or his employee may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the broker or his employee.

Sec. 26. NRS 482.3335 is hereby amended to read as follows:

482.3335 *1.* No broker may intentionally cause to be published, displayed or circulated any advertisement, including any listing in a telephone directory, in which he is represented to be any type of vehicle dealer, unless he has obtained the appropriate license from the Department as provided in this chapter.

2. A broker may not display, or use in conjunction with any form of advertisement, a vehicle he is not licensed to sell.

Sec. 27. NRS 482.345 is hereby amended to read as follows:

482.345 *1.* ~~{Except as otherwise provided in subsection 8, before}~~ **Before** any dealer's license, dealer's plate, special dealer's plate, rebuilder's license or rebuilder's plate, distributor's license or distributor's plate or manufacturer's license or manufacturer's plate is furnished to a manufacturer, distributor, dealer or rebuilder as provided in this chapter, the Department shall require that the applicant make an application for such a license and plate upon a form to be furnished by the Department, and the applicant shall furnish such information as the Department requires, including proof that the applicant has an established place of business in this State, ~~{and also, except as otherwise provided in subsection 2,}~~ procure and file with the Department a good and sufficient bond ~~{in the amount of \$50,000}~~ with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, and

conditioned that the applicant *or any employee who acts on his behalf within the scope of his employment* shall conduct his business as a dealer, distributor, manufacturer or rebuilder without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter. ~~{The Department may, by agreement with any dealer, distributor, manufacturer or rebuilder who has been in business for 5 years or more, allow a reduction in the amount of the bond of the dealer, if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$5,000.~~

~~2.—A}~~ *The bond must be:*

(a) *For a manufacturer, distributor, rebuilder or dealer who manufactures, distributes or sells {only motorcycles, horse trailers, tent trailers, utility trailers or trailers designed to carry boats shall file a bond as required by subsection 1 in the amount of \$5,000 regardless of the length of time he has been in business.} motorcycles, \$50,000.*

(b) *For a manufacturer, distributor, rebuilder or dealer who sells vehicles other than motorcycles, trailers or travel trailers, \$100,000.*

(c) *For a manufacturer, distributor, rebuilder or dealer who sells travel trailers or other dual purpose trailers that include living quarters in their design, \$100,000.*

(d) *For a manufacturer, distributor, rebuilder or dealer who sells horse trailers designed without living quarters or special purpose trailers with an unladen weight of 3,501 pounds or more, \$50,000.*

(e) *For a manufacturer, distributor, rebuilder or dealer who sells utility trailers or other special use trailers with an unladen weight of 3,500 pounds or less or trailers designed to carry boats, \$10,000.*

2. *The Department may, pursuant to a written agreement with any manufacturer, distributor, rebuilder or dealer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the manufacturer, distributor, rebuilder or dealer, if his business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.*

3. *The Department may allow a manufacturer, distributor, rebuilder or dealer who sells more than one category of vehicle as described in subsection 1 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.*

~~{3.}~~ 4. *The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.*

~~{4.}~~ 5. *The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by the representative of any*

licensed distributor or the salesman of any licensed dealer, manufacturer or rebuilder who acts for the dealer, distributor, manufacturer or rebuilder on his behalf and within the scope of the employment of the representative or the salesman.

~~5.1~~ 6. The bond must provide that any person injured by the action of the dealer, distributor, rebuilder, manufacturer, representative or salesman in violation of any provisions of this chapter may apply to the Director, for good cause shown, ~~and after notice and opportunity for hearing,~~ for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

~~6.1~~ 7. If a person is injured by the actions of a dealer, distributor, rebuilder, manufacturer, representative or salesman, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesman, the judgment is binding on the surety.

(2) A judgment other than on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesman, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the dealer, distributor, rebuilder, manufacturer, representative or salesman.

(b) Apply to the Director, for good cause shown, ~~and after notice and opportunity for hearing,~~ for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the dealer, distributor, rebuilder, manufacturer, representative or salesman. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If ~~after notice and opportunity for a hearing,~~ the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

~~7.1~~ 8. Any judgment entered by a court against a dealer, distributor, rebuilder, manufacturer, representative or salesman may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the dealer, distributor, rebuilder, manufacturer, representative or salesman.

~~8.] 9.~~ The ~~[provisions of this section do not apply to a manufacturer without an established place of business in this State.]~~ ***Department shall not issue a license or plate pursuant to subsection 1 to a manufacturer, distributor, rebuilder or dealer who does not have and maintain an established place of business in this State.***

Sec. 28. NRS 482.350 is hereby amended to read as follows:

482.350 1. A new vehicle dealer's license shall not be furnished to any dealer in new vehicles, trailers or semitrailers unless the dealer first furnishes the Department an instrument executed by or on behalf of the manufacturer certifying that he is an authorized franchised dealer for the make or makes of vehicle concerned. New vehicle dealers are authorized to sell at retail only those new vehicles for which they are certified as franchised dealers by the manufacturer.

2. In addition to selling used vehicles, a used vehicle dealer may:

(a) Sell at wholesale a new vehicle ~~{to a new or used}~~ ***taken in trade or acquired as a result of a sales contract to a new*** vehicle dealer ~~{; and}~~ ***who is licensed and authorized to sell that make of vehicle;***

(b) ***Sell at wholesale a new vehicle through a wholesale vehicle auction provided that the wholesale vehicle auctioneer:***

(1) Does not take an ownership interest in the vehicle; and

(2) Auctions the vehicle to a vehicle dealer who is licensed and authorized to sell that make of vehicle or to an automobile wrecker who is licensed in this State or any other state; or

(c) Sell a new vehicle on consignment from a person not licensed as a vehicle dealer ~~{;}~~, ***rebuilder or a long-term or short-term lessor.***

Sec. 29. NRS 482.352 is hereby amended to read as follows:

482.352 1. The Department may deny the issuance of, suspend or revoke a license to engage in the activities of a manufacturer, distributor, rebuilder or dealer in new or used vehicles or to engage in the leasing of vehicles ***in this State*** upon any of the following grounds:

(a) Failure of the applicant to have an established place of business in this State.

(b) Conviction of a felony in the State of Nevada or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Willful failure to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the Director. For the purpose of this paragraph, failure to comply with the directives of the Director advising the licensee of his noncompliance with any provision of the motor vehicle laws of this State or regulations of the Department, within 10 days after receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(f) Failure or refusal to furnish and keep in force any bond.

(g) Failure on the part of the licensee to maintain a fixed place of business in this State.

(h) Failure or refusal by a licensee to pay or otherwise discharge any final judgment against the licensee rendered and entered against him, arising out of the misrepresentation of any vehicle, trailer or semitrailer, or out of any fraud committed in connection with the sale of any vehicle, trailer or semitrailer.

(i) Failure of the licensee to maintain any other license or bond required by any political subdivision of this State.

(j) Allowing an unlicensed salesman to sell or lease any vehicle ~~to~~ **or to act in the capacity of a salesman as defined in this chapter.**

(k) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 3.

(l) Engaging in a deceptive trade practice relating to the purchase and sale or lease of a vehicle.

2. The Director may deny the issuance of a license to an applicant or revoke a license already issued if the Department is satisfied that the applicant or licensee is not entitled thereto.

3. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activities of a manufacturer, distributor, dealer or rebuilder, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to the authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to the authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 482.318 to 482.363105, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

4. The Department may adopt regulations establishing additional criteria that may be used to deny, suspend, revoke or refuse to renew a license issued pursuant to this chapter.

Sec. 30. NRS 482.353 is hereby amended to read as follows:

482.353 1. ~~The~~ **Except as otherwise provided in subsection 5, an** applicant or licensee may, within 30 days after receipt of the notice of denial, suspension or revocation, petition the Director in writing for a hearing.

2. Subject to the further requirements of subsection 3, the Director shall make written findings of fact and conclusions and grant or finally deny the application or revoke the license within 15 days after the hearing unless by interim order he extends the time to 30 days after the hearing. If the license has been temporarily suspended, the suspension expires ~~to~~ **not** later than 15 days after the hearing.

3. If the Director finds that the action is necessary in the public interest, upon notice to the licensee, he may temporarily suspend or refuse to renew the license certificate issued to a manufacturer, distributor, dealer, lessor, **broker** or rebuilder and the special plates issued to a manufacturer, distributor, lessor, rebuilder, **broker** or dealer for a period not to exceed 30 days. A hearing must be held, and a final decision rendered, within 30 days after notice of the temporary suspension.

4. The Director may issue subpoenas for the attendance of witnesses and the production of evidence.

5. ***The provisions of this section do not apply to an applicant for a temporary permit to engage in the activity of a salesman.***

Sec. 31. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesman of vehicles, trailers or semitrailers, ***or act in the capacity of a salesman as defined in this chapter***, in the State of Nevada without first having received a license ***or temporary permit*** from the Department. Before issuing a license ***or temporary permit*** to engage in the activity of a salesman, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesman, his residence address, his social security number and the name and address of his employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, the applicant to submit a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary ~~license~~ ***permit*** to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesman of vehicles, trailers or semitrailers, ***or to act in the capacity of a salesman as defined in this chapter***, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesman's license may be denied and a salesman's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) *Evidence of unfitness as described in NRS 482.3255.*

(g) *Failure of the applicant to provide any information deemed necessary by the Department to process the application.*

(h) Any reason determined by the Director to be in the best interests of the public.

5. ~~{A}~~ *Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesman of vehicles shall not engage in any sales activity, or act in any other capacity as a salesman as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.*

6. If an application for a salesman's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesman's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesman is licensed to sell vehicles.

8. If a *licensed* salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his license to act as a salesman is automatically suspended and his right to act as a salesman thereupon immediately ceases, and he shall not engage in the activity of a salesman until he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary ~~license~~ *permit* or a new salesman's license to his employer.

9. If a licensed salesman changes his residential address, he shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. *If a person who holds a temporary permit to act as a salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his permit to act as a salesman is automatically suspended, his right to act as a salesman thereupon immediately ceases and his application for licensure must be denied unless he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesman's license to his employer.*

11. A licensed dealer, lessor or rebuilder who employs a licensed salesman shall notify the Department of the termination of his employment within 10 days following the date of termination by forwarding the salesman's license to the Department.

~~11.1~~ 12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 32. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesman of vehicles, trailers or semitrailers , ***or act in the capacity of a salesman as defined by this chapter***, in the State of Nevada without first having received a license ***or temporary permit*** from the Department. Before issuing a license ***or temporary permit*** to engage in the activity of a salesman, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesman, his residence address, and the name and address of his employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, the applicant to submit a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary ~~license~~ ***permit*** to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesman of vehicles, trailers or semitrailers , ***or to act in the capacity of a salesman as defined in this chapter***, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesman's license may be denied and a salesman's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) *Evidence of unfitness as described in NRS 482.3255.*

(g) *Failure of the applicant to provide any information deemed necessary by the Department to process the application.*

(h) Any reason determined by the Director to be in the best interests of the public.

5. ~~{A}~~ *Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesman of vehicles shall not engage in any sales activity, or act in any other capacity as a salesman as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.*

6. If an application for a salesman's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesman's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesman is licensed to sell vehicles.

8. If a *licensed* salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his license to act as a salesman is automatically suspended and his right to act as a salesman thereupon immediately ceases, and he shall not engage in the activity of a salesman until he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary ~~license~~ *permit* or a new salesman's license to his employer.

9. If a licensed salesman changes his residential address, he shall submit a written notice of the change to the Department within 10 days.

10. *If a person who holds a temporary permit to act as a salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his permit to act as a salesman is automatically suspended, his right to act as a salesman thereupon immediately ceases and his application for licensure must be denied unless he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesman's license to his employer.*

11. A licensed dealer, lessor or rebuilder who employs a licensed salesman shall notify the Department of the termination of his employment within 10 days following the date of termination by forwarding the salesman's license to the Department.

~~{11}~~ 12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 33. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this State for the first time, the seller shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a **dealer who is** licensed ~~dealer~~ **to sell the vehicle**, a dealer's report of sale. The dealer's report of sale must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle;
- (b) The name and address of the seller; and
- (c) The name and address of the buyer.

2. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee must be entered on the dealer's report of sale and on the manufacturer's certificate or statement of origin.

3. Unless an extension of time is granted by the Department, the seller shall:

- (a) Collect the fees set forth in NRS 482.429 for:
 - (1) A certificate of title for a vehicle registered in this State; and
 - (2) The processing of the dealer's report of sale; and
- (b) Within 20 days after the execution of the dealer's report of sale:
 - (1) Submit to the Department the original of the dealer's report of sale and the manufacturer's certificate or statement of origin; and
 - (2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract **or other written agreement** for the sale of a new vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

- (a) Be in a form prescribed by the Department;
- (b) Be made of a material appropriate for use on the exterior of a vehicle;
- (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
- (d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for a period not to exceed 30 days after the execution of **a written agreement to purchase or the contract of sale, whichever occurs first**. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. For the purposes of establishing compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date imprinted or otherwise indicated on the dealer's report of sale as the beginning date of the 20-day period.

7. Upon execution of all ~~required~~ *the* documents *necessary* to complete the sale of a vehicle, *including, without limitation, the financial documents*, the dealer shall execute the dealer's report of sale and furnish a copy of the report to the buyer not less than 10 days before the expiration of the temporary placard.

8. *The provisions of this section do not apply to kit trailers.*

Sec. 34. NRS 482.4235 is hereby amended to read as follows:

482.4235 1. If a new vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin, and a long-term lessor's report of lease. Such a report must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle; and
- (b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 20 days after the execution of the long-term lessor's report of lease:

- (a) Submit to the Department the original of the long-term lessor's report of lease and the manufacturer's certificate of origin or manufacturer's statement of origin; and
- (b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease *or written agreement to lease* for a new vehicle, the ~~seller~~ *long-term lessor* shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

- (a) Be in a form prescribed by the Department;
- (b) Be made of a material appropriate for use on the exterior of a vehicle;
- (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
- (d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of *a written agreement to lease or the lease* ~~or~~, *whichever occurs first*. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. For the purposes of establishing compliance with the period required by subsection 2, the Department shall use the date imprinted or otherwise indicated on the long-term lessor's report of lease as the beginning date of the 20-day period.

6. Upon executing all *the* documents necessary to complete the lease of the vehicle, *including, without limitation, the financial documents*, the long-term lessor shall execute the long-term lessor's report of lease and

furnish a copy of the report to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 35. NRS 482.424 is hereby amended to read as follows:

482.424 1. When a used or rebuilt vehicle is sold in this State to any person, except a licensed dealer, by a dealer, rebuilder, long-term lessor or short-term lessor, the seller shall complete and execute a dealer's or rebuilder's report of sale. The dealer's or rebuilder's report of sale must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle, including whether it is a rebuilt vehicle;
- (b) The name and address of the seller; and
- (c) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party must be entered on the dealer's or rebuilder's report of sale.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

- (1) A certificate of title for a vehicle registered in this State; and
- (2) The processing of the dealer's or rebuilder's report of sale; and

(b) Within 30 days after the execution of the dealer's or rebuilder's report of sale:

(1) Submit to the Department the original of the dealer's or rebuilder's report of sale and the properly endorsed certificate of title previously issued for the vehicle; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract *or other written agreement* for the sale of a used or rebuilt vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

- (a) Be in a form prescribed by the Department;
- (b) Be made of a material appropriate for use on the exterior of a vehicle;
- (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
- (d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for not more than 30 days after the execution of *a written agreement to purchase or the contract of sale, whichever occurs first*. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. To establish compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date imprinted or otherwise indicated on the dealer's or rebuilder's report of sale as the beginning date of the 30-day period.

7. Upon executing all *the* documents necessary to complete the sale of the vehicle, *including, without limitation, the financial documents*, the seller shall execute the dealer's or rebuilder's report of sale and furnish a copy of the report to the buyer not less than 10 days before the expiration of the temporary placard.

Sec. 36. NRS 482.4245 is hereby amended to read as follows:

482.4245 1. If a used or rebuilt vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and execute a long-term lessor's report of lease. Such a report must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle;
- (b) An indication as to whether the vehicle is a rebuilt vehicle; and
- (c) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 30 days after the execution of the long-term lessor's report of lease:

(a) Submit to the Department the original of the long-term lessor's report of lease and the properly endorsed certificate of title previously issued for the vehicle; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease *or written agreement to lease* for a used or rebuilt vehicle, the ~~seller~~ *long-term lessor* shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

- (a) Be in a form prescribed by the Department;
- (b) Be made of a material appropriate for use on the exterior of a vehicle;
- (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
- (d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of *a written agreement to lease or the lease* ~~to~~, *whichever comes first*. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. To establish compliance with the period required by subsection 2, the Department shall use the date imprinted or otherwise indicated on the long-term lessor's report of lease as the beginning date of the 30-day period.

6. Upon executing all *the* documents necessary to complete the lease of the vehicle, *including, without limitation, the financial documents*, the long-term lessor shall execute the long-term lessor's report of lease and furnish a copy of the report to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 37. NRS 482.436 is hereby amended to read as follows:

482.436 Any person is guilty of a gross misdemeanor who knowingly:

1. Makes *or causes to be made* any false entry on any certificate of origin or certificate of title;

2. Furnishes *or causes to be furnished* false information to the Department concerning any security interest; or

3. Fails to submit *or causes to not be submitted* the original of the dealer's or ~~rebuilder's~~ *long-term lessor's* report of sale ~~of~~ *or lease, together with the certificate of title or certificate of ownership issued for a used ~~or rebuilt~~ vehicle to the Department within the time prescribed in subsection 3 of NRS 482.424 ~~or, if a leased vehicle, subsection 2 of NRS 482.4235.~~*

Sec. 38. NRS 482.516 is hereby amended to read as follows:

482.516 1. Any provision in any security agreement for the sale *or lease* of a vehicle to the contrary notwithstanding, at least 10 days' written notice of intent to sell *or again lease* a repossessed vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless such persons have notified the holder in writing of a different address.

2. The notice:

(a) Must set forth that there is a right to redeem the vehicle and the total amount required as of the date of the notice to redeem;

(b) May inform such persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

(c) Must give notice of the holder's intent to resell *or again lease* the vehicle at the expiration of 10 days from the date of giving or mailing the notice;

(d) Must disclose the place at which the vehicle will be returned to the buyer *or lessee* upon redemption or reinstatement; and

(e) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, the person or persons liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Such persons are liable for any deficiency after sale *or lease* of the repossessed vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges or

cancelled insurance as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 39. NRS 482.545 is hereby amended to read as follows:

482.545 It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any motor vehicle, trailer or semitrailer which is not registered or which does not have attached thereto and displayed thereon the number of plate or plates assigned thereto by the Department for the current period of registration or calendar year, subject to the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.

2. To display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of title, *temporary placard, movement permit* or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.

3. To lend to, or knowingly permit the use of by, one not entitled thereto any registration card, ~~plate~~ plate, *temporary placard or movement permit* issued to the person so lending or permitting the use thereof.

4. To fail or to refuse to surrender to the Department, upon demand, any registration card or plate which has been suspended, cancelled or revoked as provided in this chapter.

5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in an application. A violation of this subsection is a gross misdemeanor.

6. Knowingly to operate a vehicle which:

- (a) Has an altered identification number or mark; or
- (b) Contains a part which has an altered identification number or mark.

Sec. 40. NRS 482.555 is hereby amended to read as follows:

482.555 In addition to any other penalty provided by this chapter:

1. It is a gross misdemeanor for any person knowingly to falsify:

(a) A dealer's or rebuilder's report of sale, as described in NRS 482.423 and 482.424; ~~or~~

(b) An application or document to obtain any ~~of~~

(1) ~~License;~~

(2) ~~Permit; or~~

(3) ~~Certificate of title;~~

~~or~~ *license, permit, certificate of title or vehicle registration* issued under the provisions of this chapter ~~or~~; *or*

(c) *An application or document to obtain a salvage title or nonrepairable vehicle certificate as defined in chapter 487 of NRS.*

2. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this section or other provision of this

chapter or other law of this State declared to be a gross misdemeanor or a felony.

Sec. 41. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 and 43 of this act.

Sec. 42. *1. A school for training drivers or a third-party certifier provided for by regulation shall ensure that each vehicle used for training drivers and operated on a highway is inspected annually.*

2. The school for training drivers or the third-party certifier shall provide to the Department, within 30 days of the inspection or by December 31 of each calendar year, whichever comes first, the results of the inspection regarding the safety and road worthiness of the vehicles inspected pursuant to subsection 1.

3. The Department shall adopt regulations setting forth:

(a) The persons qualified to conduct the inspection; and

(b) The standards with which the inspection must comply.

4. The owner of the school for training drivers or the third-party certifier shall maintain a copy of the inspection at his principal place of business for 3 years after the inspection is completed.

Sec. 43. *1. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, and section 42 of this act, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

3. In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, and section 42 of this act, the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, and section 42 of this act, and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 44. NRS 483.730 is hereby amended to read as follows:

483.730 1. The Department shall issue a license to operate a school for training drivers or to act as an instructor for such a school, if the Department is satisfied that the applicant has met the qualifications required by NRS 483.700 to 483.780, inclusive ~~{,}~~, **and sections 42 and 43 of this act.**

2. The license is valid for ~~{5 years}~~ **1 year** after the date of issuance, unless cancelled, suspended or revoked by the Department and, except as otherwise provided in subsection 3, may be renewed subject to the same conditions as the original license, except that an operator of or instructor for a school for training drivers is not required to comply with the provisions of NRS 483.7205 for the renewal of his license.

3. Except as otherwise provided in subsection 4, the Department may renew the license of an instructor of a school for training drivers if, when he submits his application for the renewal of his license, he provides evidence satisfactory to the Department that, during the period of the license, he completed training of a type and in an amount prescribed by the Department by regulation.

4. The provisions of subsection 3 do not apply to an instructor who provides instruction solely to applicants for commercial drivers' licenses.

Sec. 45. NRS 484.6061 is hereby amended to read as follows:

484.6061 1. It is unlawful for any person to ***display or*** advertise for sale, to sell, to use, to install or to have installed any device which causes an odometer to register any mileage other than the true mileage driven.

2. For purposes of this section, the true mileage driven is that mileage traveled by the vehicle, as registered by the odometer, within the manufacturer's designed tolerance for such odometer.

Sec. 46. NRS 484.6063 is hereby amended to read as follows:

484.6063 It is unlawful for any person, with the intent to defraud, to operate , ***or to cause or allow to be operated,*** a motor vehicle on any highway of this State knowing that the odometer of such vehicle is disconnected or nonfunctional ~~†~~ ***or has been altered to no longer reflect the true mileage driven.***

Sec. 47. NRS 484.6067 is hereby amended to read as follows:

484.6067 1. A person is guilty of a ~~gross misdemeanor~~ ***category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment,*** if he knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud.

2. Except as ***otherwise*** provided in subsection 1, any person who violates the provisions of NRS 484.606 to 484.6069, inclusive, is guilty of a misdemeanor.

Sec. 48. NRS 484.6068 is hereby amended to read as follows:

484.6068 Any person who, with an intent to defraud, violates any requirement imposed by NRS 484.606 to 484.6069, inclusive, is liable to the person harmed by such act or acts, in an amount equal to the sum of:

1. Three times the amount of actual damages sustained by the person harmed or ~~†~~ ***\$2,500,*** whichever is greater; and

2. If the action of the person harmed is successful in enforcing the liability imposed by subsection 1, the costs of the action together with reasonable attorney's fees, as determined by the court.

Sec. 49. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 50, 51 and 52 of this act.

Sec. 50. ***As used in NRS 487.050 to 487.200, inclusive, and sections 50, 51 and 52 of this act, unless the context otherwise requires, "automobile wrecker" or "wrecker" means a person who obtains a license***

to dismantle, scrap, process or wreck any vehicle, including, without limitation, wrecked, salvage, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such a vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.

Sec. 51. Evidence of unfitness of an applicant, registrant or ~~the~~ licensee for purposes of denial, suspension or revocation of or failure to renew a license or registration as an automobile wrecker, operator of a salvage pool, garageman or owner of a body shop may consist of, but is not limited to, the applicant, registrant or licensee:

1. Purchasing, selling, dismantling, disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

2. Being the former holder of or being a partner, officer, director, owner or manager involved in management decisions of , an automobile wrecker ~~which~~ that held a license issued pursuant to this chapter ~~487 of~~ ~~NRS~~ which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.

5. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.

6. Willfully failing to deliver to a purchaser a salvage title to a vehicle that the applicant, registrant or licensee has sold.

7. Refusing to allow ~~any~~ any peace officer or agent of the Department a state agency to inspect, during normal business hours, all books, records and files of the ~~dealership~~ applicant, registrant or licensee which are maintained within the State.

8. Committing any fraud which includes, without limitation:

(a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.

(b) Intentionally failing to disclose a material fact.

9. Willfully failing to comply with any regulation adopted by the Department.

Sec. 52. 1. Whenever an entire salvage vehicle is sold to any person by a licensed automobile wrecker, the automobile wrecker shall deliver a ~~legal~~ properly endorsed salvage title to the buyer ~~for~~ for such an entire salvage vehicle.

2. A salvage vehicle ~~which is partially dismantled is~~ shall be deemed an entire salvage vehicle ~~if~~ ;

(a) If all the following components are included and identifiable as coming from the same vehicle:

- ~~##(a)##~~ *(1) The cowl assembly;*
- ~~##(b)##~~ *(2) The floor pan assembly;*
- ~~##(c)##~~ *(3) The passenger compartment;*
- ~~##(d)##~~ *(4) The rear clip assembly; and*
- ~~##(e)##~~ *(5) The roof assembly; and*
- ~~##(f)##~~ *One of the following;*

(b) In addition to the essential components required pursuant to paragraph (a):

(1) ~~##A##~~ If the salvage vehicle was manufactured with a conventional frame ~~##coupled with one additional major component##~~, the conventional frame is included and identifiable as coming from the same salvage vehicle;

(2) If the salvage vehicle was manufactured with a unibody, the complete front inner structure ~~##or##~~ is included and identifiable as coming from the same salvage vehicle;

(3) If the salvage vehicle is a truck ~~##~~ which was manufactured with a conventional frame, the conventional frame and the truck cab assembly ~~##~~ are included and identifiable as coming from the same salvage vehicle; and

(4) If the salvage vehicle is a truck which was manufactured with a unibody, the complete front inner structure and the truck cab assembly are included and identifiable as coming from the same salvage vehicle.

3. A salvage vehicle that does not ~~##include any one of the components listed in##~~ satisfy the requirements of subsection 2 is deemed a part or parts of an entire salvage vehicle.

~~##4. As used in this section, "entire salvage vehicle" means a vehicle which is in one piece and includes all of its components as listed in subsection 2.##~~

Sec. 53. NRS 487.160 is hereby amended to read as follows:

487.160 1. The Department ~~##after notice and hearing##~~ may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

- (a) Is not lawfully entitled thereto;
- (b) Has made, or knowingly or negligently permitted, any illegal use of that license;
- (c) Has failed to return a salvage title to the state agency when and as required of him by NRS 487.710 to 487.890, inclusive; or
- (d) Has failed to surrender to the state agency certificates of title for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker, or *may* deny a license to an applicant therefor, *for any reason determined by the Director to be in the best interest of the public, or* if the licensee or applicant:

(a) Does not have or maintain an established place of business in this State.

(b) Made a material misstatement in any application.

(c) Willfully fails to comply with any applicable provision of this chapter.

(d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.200, inclusive.

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this State.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

(j) Knowingly submits or causes to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership, or any duplicate thereof, for a vehicle.

(k) Knowingly causes or allows a false, forged or otherwise fraudulent document to be maintained as a record of his business.

(l) Interferes with or refuses to allow an agent of the Department or any peace officer access to and, upon demand, the opportunity to examine any record held in conjunction with the operation of the wrecker.

(m) Displays evidence of unfitness for a license pursuant to section 51 of this act.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for

initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.050 to 487.200, inclusive, **and sections 50, 51 and 52 of this act** or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.050 to 487.200, inclusive, **and sections 50, 51 and 52 of this act** or NRS 487.710 to 487.890, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 54. NRS 487.170 is hereby amended to read as follows:

487.170 Every licensed automobile wrecker, rebuilder or scrap processor shall maintain a record of all vehicles **acquired and processed, junked, dismantled** ~~for wrecked, which contains the name and~~ **, wrecked, sold as a part or parts or disposed of as scrap metal. The records must be open to inspection during business hours by any peace officer or investigator of the state agency. Every vehicle record must contain:**

1. **The name, address and original signature** of the person from whom the vehicle was ~~purchased or acquired and the date thereof, the~~ **acquired, until such time as the original signature is submitted to the Department, at which time the record must contain a duplicate of the signature;**

2. **The date the vehicle was acquired;**

3. **How the vehicle was acquired by the wrecker, rebuilder or scrap processor;**

4. **The registration number last assigned to the vehicle ; and** ~~{a}~~

5. **A brief description of the vehicle, including, insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle.** ~~{The record must be open to inspection during business hours by any peace officer or investigator of the state agency.}~~

Sec. 55. NRS 487.200 is hereby amended to read as follows:

487.200 Any person who violates any of the provisions of NRS 487.050 to 487.200, inclusive, **and sections 50, 51 and 52 of this act** is guilty of a misdemeanor.

Sec. 56. NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than \$500, the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle, the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. An automobile wrecker who possesses a junk certificate for a junk vehicle may dismantle, scrap, crush or otherwise destroy the vehicle.

4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. An automobile wrecker who purchases a vehicle for which a junk certificate has been issued *shall immediately affix ~~his~~ the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.*

5. *If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection 4, ~~an~~ an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.*

~~5.~~ 6. A person who sells, dismantles, scraps, crushes or otherwise destroys a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. He shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~6.~~ 7. As used in this section, "junk vehicle" means a vehicle, including component parts, which:

- (a) Has been discarded or abandoned;
- (b) Has been ruined, wrecked, dismantled or rendered inoperative;
- (c) Is unfit for further use in accordance with the original purpose for which it was constructed;
- (d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and
- (e) Has value principally as scrap which does not exceed \$200.

Sec. 57. NRS 487.490 is hereby amended to read as follows:

487.490 1. The Department may refuse to issue a license or ~~after notice and hearing,~~ may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

- (a) Is not lawfully entitled to the license;
- (b) Has made, or knowingly or negligently permitted, any illegal use of that license;
- (c) Made a material misstatement in any application;
- (d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive;
- (e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;
- (f) Fails to maintain any license or bond required by a political subdivision of this State;
- (g) Has been convicted of a felony;

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter; ~~for~~

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 ~~+~~; *or*

(j) Displays evidence of unfitness for a license pursuant to section 51 of this act.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive.

6. Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. For the purposes of this section, the failure to adhere to the directives of the Department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, or regulations of the Department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 58. NRS 487.540 is hereby amended to read as follows:

487.540 1. "Garage" means a business establishment, sole proprietorship, firm, corporation, association or other legal entity that performs any of the following services on motor vehicles:

- (a) Repair *or replacement* of the:
- (1) Engine;
 - (2) Brake system;
 - (3) Transmission system;
 - (4) Drivetrain system;
 - (5) Heating and air-conditioning system;

- (6) Cooling system; ~~for~~
- (7) Muffler and exhaust system;
- (8) **Electrical system;**
- (9) **Electrical charging system; or**
- (10) **Fuel injection or carburetion system;**

- (b) Engine tune up;
- (c) Diagnostic testing;
- (d) Alignment; or
- (e) Oil change and lubrication.

2. "Garage" does not include a business establishment, sole proprietorship, firm, corporation, association or other legal entity that does not perform services on motor vehicles for members of the general public.

Sec. 59. NRS 487.550 is hereby amended to read as follows:

487.550 "Motor vehicle" means:

- 1. A passenger car as defined in NRS 482.087;
- 2. A mini motor home as defined in NRS 482.066;
- 3. A motor home as defined in NRS 482.071;
- 4. A recreational vehicle as defined in NRS 482.101; ~~and~~
- 5. A motortruck as defined in NRS 482.073 if the gross weight of the vehicle is 10,000 pounds or less ~~+~~;

6. A motorcycle as defined in NRS 482.070; and

7. A trimobile as defined in NRS 482.129.

Sec. 60. NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 must include in the application a written statement to the Department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the Department or specifies in the statement that he does not agree to arbitrate those claims, the person shall file with the Department a bond in the amount of \$5,000, with a corporate surety for the bond that is licensed to do business in this State. The form of the bond must be approved by the Attorney General and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive.

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the Department, pursuant to the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank or savings and loan association located in this State, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.206 to 38.248, inclusive.

5. If a person:

(a) Submits the statement to the Department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and

(b) Fails to submit to binding arbitration any claim specified in that subsection,

↪ the person asserting the claim may notify the Department of that fact. Upon receipt of the notice, the Department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, *or fails to pay or otherwise discharge any final judgment rendered and entered against him or any court order issued and arising out of the repair of a motor vehicle in the operation of a garage*, the Department shall ~~[-, after notice and hearing,]~~ revoke or refuse to renew the certificate of registration of the person who failed to comply with the order ~~[-]~~ *or satisfy the judgment.*

7. The Department may reinstate or renew a certificate of registration that is:

(a) Revoked pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:

(1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the Department of that fact; or

(2) Files a bond or makes a deposit with the Department pursuant to the provisions of this section.

(b) Revoked pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

8. A garageman whose registration has been revoked pursuant to the provisions of subsection 6 shall furnish to the Department a bond in the amount specified in subsection 1 prior to reinstatement of his garage registration.

Sec. 61. NRS 487.564 is hereby amended to read as follows:

487.564 1. The Department may refuse to issue a registration or ~~[-, after notice and hearing,]~~ may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.800.

(b) A false statement or certification for an inspection pursuant to NRS 487.800 which attests to the mechanical fitness or safety of a salvage vehicle.

(c) Evidence of unfitness of the applicant or registrant pursuant to section 51 of this act.

(d) A violation of any regulation adopted by the Department governing the operation of a garage.

(e) A violation of any statute or regulation that constitutes fraud in conjunction with the repair of a motor vehicle or operation of a garage.

2. A person for whom a certificate of registration has been suspended or revoked pursuant to the provisions of this section, subsection 6 of NRS 487.563 or similar provisions of the laws of any other state or territory of the United States shall not be employed by, or in any manner affiliated with, the operation of a garage subject to registration in this State.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 62. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or ~~after notice and hearing,~~ may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(j) A display of evidence of unfitness for a license pursuant to section 51 of this act.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, “salvage vehicle” has the meaning ascribed to it in NRS 487.770.

Sec. 63. NRS 487.860 is hereby amended to read as follows:

487.860 1. Except with respect to a nonrepairable vehicle, a vehicle for which a salvage title has been issued may not subsequently be registered until it has been inspected by a garageman who operates a garage that is registered pursuant to NRS 487.560 , ~~for~~ by the owner of a body shop licensed pursuant to NRS 487.630 , **by a rebuilder licensed pursuant to NRS 482.325** or by ~~an~~ **a qualified** employee of such a garage , ~~for~~ body shop **or rebuilder**, and is certified to be in a safe mechanical condition and equipped with all safety equipment required by the manufacturer.

2. If a garageman ~~for~~, **an** owner of a body shop ~~for~~ **or an** **or a rebuilder**, **or a qualified** employee thereof, who performs an inspection pursuant to subsection 1 finds the vehicle to be in a safe mechanical condition and equipped with all safety equipment required by the manufacturer, the garageman, owner **of a body shop, rebuilder or qualified** employee shall complete and sign a certificate of inspection, on a form prescribed by the state agency, attesting to the mechanical fitness and safety of the vehicle and to any mechanical or other work that was performed on the vehicle at the garage or body shop. The certificate of inspection must indicate that the motor vehicle has been repaired to the standards of the manufacturer and any safety equipment, including, without limitation, any occupant restraint devices, that were present in the vehicle at the time the vehicle was manufactured are present and operational to the specifications of the manufacturer.

Sec. 64. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 65 and 66 of this act.

Sec. 65. **Any person is guilty of a gross misdemeanor who knowingly:**

1. Makes or causes to be made a false entry on any affidavit of lien sale or on any lien sale registration certificate for a motor vehicle;

2. *Makes or causes to be made a false entry on a certificate of title as to ownership or any security interest that may exist in a motor vehicle;*

3. *Fails to disclose any information which would indicate that a vehicle sold or offered for sale is or should be considered a salvage or nonrepairable vehicle; or*

4. *Falsifies or causes to be falsified an application or other document submitted to the Department of Motor Vehicles to obtain:*

(a) *A certificate of title or ownership; or*

(b) *A salvage title or a certificate which indicates that the vehicle is nonrepairable as defined in chapter 487 of NRS.*

Sec. 66. *Except as otherwise provided in section 65 of this act, a person who violates any provision of NRS 108.265 to 108.360, inclusive, is guilty of a misdemeanor.*

Sec. 67. NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted *by the Commission* pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted *by the Commission* pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:

(a) Except as otherwise provided in paragraph (b), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(b) May perform the following activities in connection with a motor vehicle:

(1) The changing of oil;

(2) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(3) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.

3. Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

Sec. 68. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall , *in cooperation with the Commission*, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations. The regulations adopted ~~[by the Department of Motor Vehicles]~~ pursuant to this

paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that ~~the~~ :

(1) *The* equipment complies with any applicable standards of the United States Environmental Protection Agency ~~};~~ *and*

(2) *Use of the equipment is specifically authorized by the Commission.*

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized maintenance station, authorized station and fleet station.

Sec. 69. NRS 445B.800 is hereby amended to read as follows:

445B.800 1. Subject to any applicable limitation of NRS 445B.700 to 445B.815, inclusive, and any regulation adopted pursuant thereto, no used motor vehicle which requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 may be registered unless the application for registration is accompanied by evidence of compliance issued by any authorized inspection station, authorized station or fleet station certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles required by federal regulation or such other requirements as the Commission may by regulation prescribe under the provisions of NRS 445B.700 to 445B.845, inclusive.

2. If:

(a) A seller of a used vehicle is required to complete a dealer's report of sale pursuant to the provisions of NRS 482.424; or

(b) A long-term lessor of a used vehicle is required to complete a long-term lessor's report of lease pursuant to the provisions of NRS 482.4245,

↪ the seller or long-term lessor shall also provide the buyer or long-term lessee with any evidence of compliance required pursuant to subsection 1 ~~+~~, ***and shall deliver that evidence of compliance to a used vehicle buyer together with the dealer's report of sale issued pursuant to NRS 482.424 or 482.4245, indicating that the used vehicle purchased or leased meets the engine emission standards for the year, make and model of the used vehicle as established by regulation pursuant to NRS 445B.770.***

3. ***A seller or long-term lessor of a used vehicle is not entitled to a waiver of the provisions of subsection 2.***

4. The requirements of this section apply only:

(a) To passenger cars and light-duty motor vehicles which use diesel fuel and are based in a county whose population is 100,000 or more; and

(b) In counties where a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles has been implemented pursuant to NRS 445B.770.

Sec. 70. NRS 482.321 is hereby repealed.

Sec. 71. Any license plate issued pursuant to NRS 482.321 expires on the date of expiration for that plate or January 1, 2008, whichever comes first and may not be renewed thereafter.

Sec. 72. 1. This section and sections 1 to 6, inclusive, 8 to 16, inclusive, 17, 20 to 23, inclusive, 26, 28 to 31, inclusive, 33 to 41, inclusive, and 43 to 69, inclusive, of this act become effective on July 1, 2007.

2. Sections 7, 16.5, 18, 19, 24, 25, 27, 42, 70 and 71 of this act become effective on January 1, 2008.

3. Sections 17 and 31 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,
↪ are repealed by the Congress of the United States.

4. Section 32 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

482.321 Registration of certain number of vehicles without payment of governmental services tax; payment of governmental services tax by purchaser; payment of fees for registration and governmental services tax by transferee; exceptions.

1. Any dealer in vehicles in this State qualified to receive a dealer's license is entitled to register in his name not more than 12 vehicles upon payment of the fees for registration and licensing as provided in this chapter. The dealer is not subject to the payment of governmental services taxes on the registrations of those vehicles.

2. Vehicles so registered are subject to the payment of governmental services taxes by the purchaser from the dealer at the time of their transfer to the purchaser.

3. The transferee of the vehicle is required to pay the fees for registration and governmental services taxes before he is entitled to a transfer of the registration and title in his name. The transferee shall apply for registration as provided in NRS 482.215.

4. This section does not apply to work or service vehicles.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:06 p.m.

ASSEMBLY IN SESSION

At 5:10 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 313 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 314 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 19 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 19.

Bill read third time.

The following amendment was proposed by Assemblyman Mabey:

Amendment No. 955.

AN ACT relating to the Chiropractic Physicians' Board of Nevada; providing requirements for the reinstatement of certain licenses that have been suspended; revising provisions governing the renewal of a license or certificate; increasing the number of hours of continuing education required for the renewal of a license; increasing the maximum amount of certain fees that the Board may charge; eliminating the requirement that the Board file certain orders relating to the discipline of a licensee with the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a license or certificate issued by the Chiropractic Physicians' Board of Nevada must be renewed annually and a licensee must complete at least 12 hours of continuing education annually. (NRS 634.130) Section 2 of this bill revises the renewal requirement for a license or certificate to provide that a license or certificate must be renewed biennially. Section 2 also increases the number of hours of continuing education a licensee must complete.

Existing law authorizes the Board to charge various fees up to a maximum amount as indicated by statute. (NRS 634.135) Section 3 of this bill revises the existing statutory schedule of maximum fees: (1) to reflect the renewal of a license or certificate biennially; **and** (2) to clarify the purpose of the existing fee for written certification of licensure. ~~[- and (3) to increase the fee for the review by the Board of various courses of continuing education in chiropractic.]~~

Existing law also provides that if a licensee or holder of a certificate does not renew a license or certificate on time or fails to notify the Board of a change in the location of the office of the licensee or holder, the license or certificate of the person will be automatically suspended. (NRS 634.130) Section 2 of this bill provides that a license that was suspended for the failure to renew on time or the failure to notify the Board of a change in location may be reinstated by paying the reinstatement and renewal fees within 1 year of the original renewal deadline. Section 1 of this bill provides for the reinstatement of suspended licenses that have not been reinstated within 1 year.

Existing law provides that every order of the Board which limits the practice of chiropractic or suspends or revokes a license must be filed with the county recorder. (NRS 634.200) Section 4 of this bill eliminates this requirement.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a license has been automatically suspended pursuant to the provisions of subsection 5 of NRS 634.130 and not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have a suspended license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That he has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued him a license that he is in good standing and has no legal actions pending against him; and

(III) That he has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; and

(2) The fee for reinstating a license to practice chiropractic which has been suspended or revoked.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of a suspended license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

Sec. 2. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed ~~annually.~~ **biennially**. Each person who is licensed pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal certificate which authorizes him to continue to practice for ~~1 year.~~ **2 years**.

2. The renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of ~~the year to which it applies~~ **each odd-numbered year.**

3. Except as otherwise provided in subsection 4, a licensee in active practice within this State must submit satisfactory proof to the Board that , **during the 24 months immediately preceding the renewal date of his license**, he has attended at least ~~12~~ **36** hours of continuing education which is approved or endorsed by the Board. The educational requirement of this section may be waived by the Board if the licensee files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee is suffering from a serious or disabling illness or physical disability which prevented him from completing the requirements for continuing education during the ~~12~~ **24** months immediately preceding the renewal date of his license.

4. A licensee is not required to comply with the requirements of subsection 3 until the ~~calendar~~ **first odd-numbered** year after the year the Board issues to him an initial license to practice as a chiropractor in this State.

5. If a licensee fails to:

(a) Pay his renewal fee by January 1 ~~of~~ **of an odd-numbered year;**

(b) Submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

↪ his license is automatically suspended and , **except as otherwise provided in section 1 of this act**, may be reinstated only upon the payment , **by January 1 of the even-numbered year following the year in which the license was suspended**, of the required fee for reinstatement in addition to the renewal fee.

6. If a holder of a certificate as a chiropractor’s assistant fails to:

(a) Pay his renewal fee by January 1 ~~of~~ **of an odd-numbered year;**

(b) Notify the Board of a change in the location of his office pursuant to NRS 634.129; or

(c) Submit all information required to complete the renewal,

↪ his certificate is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 3. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic	\$200.00
For an examination for a license to practice chiropractic	200.00
For an application for, and the issuance of, a certificate as a chiropractor’s assistant	100.00
For an examination for a certificate as a chiropractor’s assistant	100.00
For the issuance of a license to practice chiropractic.....	300.00

For the {annual} biennial renewal of a license to practice chiropractic	{500.00} 1,000.00
For the {annual} biennial renewal of an inactive license to practice chiropractic	{150.00} 300.00
For the {annual} biennial renewal of a certificate as a chiropractor's assistant	{100.00} 200.00
For the restoration to active status of an inactive license to practice chiropractic	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked	500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended pursuant to NRS 634.130	\$100.00
For a review of any subject on the examination	25.00
For the issuance of a duplicate license or for changing the name on a license	35.00
For written {certification} verification of licensure or issuance of a certificate of good standing	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic.....	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State	35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic.....	25.00
For each page of a list of continuing education courses that have been approved by the Board.....	.50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges.....	{} 35.00
{For a review by the Board of a course of continuing education in chiropractic offered by a nonprofit professional chiropractic association of this State or another state	25.00}
For a review by the Board of a course {of continuing education in chiropractic} offered by a chiropractic school or college or a course of continuing education in chiropractic	<u>25.00</u>
{accredited by the Council on Chiropractic Education	200.00}
{For a review by the Board of a course of continuing education in chiropractic offered by a commercial entity, an association that is not a nonprofit professional chiropractic association of this State or another state, or a chiropractic school or college that is not accredited by the Council on Chiropractic Education	500.00}

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for any other service it provides.

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 4. NRS 634.200 is hereby amended to read as follows:

634.200 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order.

2. ~~Every order of the Board which limits the practice of chiropractic or suspends or revokes a license is effective from the date the Secretary certifies the order to the proper county recorder until the order is modified or reversed by a final judgment of the court.~~

~~3.~~ The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given that priority by law.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblyman Mabey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 5, 18, 58, 146, 171, 182, 187, 228, 266, 298, 303, 312, 314, 315, 328, 329, 339, 340, 345, 352, 354, 356, 366, 367, 398, 400, 403, 417, 419, 420, 425, 430, 432, 447, 451, 456, 457, 470, 481, 483, 486, 491, 495, 500, 502, 503, 504, 508, 511, 515, 518, 519, 520, 533, 534, 535, 536, 542, 548, 549; Senate Joint Resolutions Nos. 4, 6, 10, 11, 12, 13, 15, 16, 17, and 18 be taken from the General File and placed in their current order on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 7, 49, 76, 94, 103, 122, 138, 190, 258, 289, 297, 298, 301, 311, 313, 323, 344, 350, 365, 415; Senate Bills Nos. 7, 72, 86, 118, 137, 139, 145, 183, 210, 264, 265, 282, 330, 336, 337, 338, 357, 369, 384, 389, 399; Senate Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Sullivan, Anita Sullivan, Marilyn Cervantes, and Maryanne Thompson.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Tartan Elementary School: Ian Belen, Mindy Mendez, Herlinda Mendez, David Ortega, Christian Ward, Kaitlyn Compton, Megan Rydel, Krystyn Hernandez-Faria, Stephanie Rodriguez, Gaven Smith, Bryant Becerra, Jordan Rand, Kiera Smith, Toby Budd, Joyce McMillan, I'Jonea Rossum, JeCori Gladney, Aaron Saenz, Cynthia Figueroa, Jay-Marc Marsulit, Theodore McAllister, Taylor O'Daniel, Yasmin Breaux, Kailey Fox, Shaely Rensom, Keenan Raquel, Alaysia Drake Robinson, Jordan Franco, Earl Teopaco, Christian Cazares, Stephanie Munoz, Jordan Caron, Sean Harasti, Tameya Duckworth, Tayor Hamilton, Adrian Fox, Cathy Hyde, Krystal Marshall, Shelby Smith, Xavier Prado, Tristan Jones, Hannah Ditzel, Miguel Landeros, Kayla Andrada, Andrew Harris, Jade Roldan, Raymond Ruano, Lynette Iton, Alexis Zurfluh, Gabby Barajas; teachers Ariane Steffan, Lee Braegger, Jud Braegger, Nicole Graham, Michele Bacon, Stephanie Dalrymple, and Jeff Dalrymple; chaperones Christian Ward, Sr., Lorna Iverson, Garilyne Hernandez, Blaire Smith, Larry O'Daniel, Tracy Breaux, Krissy Walker, Lynee Rensome, Amy Drake, Suzanne Kerrigan, Lorainna Cazares, Hannah Fox, Dennis Miller, Gretchen Pedersen, Fredrica Roldan, and Parthy Zurfluh.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Jones.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Robinson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Fulkerson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fremont Elementary School: Haley Abeyta, Garret Altus, Julia Brown, Taylor Caskey, Andrew Cooper, Nathan Controneo, Cody Cunningham, Ian Dalton, Lacey Davin, Travis Phalin, Scott Raty, Emillie Rengler, Steven Robledo, Shelby Swanson, Malia Tiffer, Cory Wilson, C.J. Woons, Heather Evans, Elizabeth Everest, Brandon Fleischhacker, Zoey Gray, Elizabeth Jarrett, Sierra Kolobakken, Nicholas Lani, Lozia Lopez, Brandon Acero, Ashley Allen, Kaeli Biggin, Keenan Blackmore, Aldino Bracamontes, Stephanie Camacho, Alondra Cadena, Alan Cohen, Jordan Courtney, Jose Escobedo, Taylor Good, Ivon Gutierrez, Oscar Herrera, Arielle Holmboe, Brandon Iza, Kimberly Machart, Casley Matthews, Anahi Medina-Xhurape, Karlie Miller, Sabdi Perez, Samanta Ramirez, Haley Ridgely, Makaela Wheeler, Jordan Yadon, Daniel Lease, Raleighy Dennia; teacher Vickie Parsons; chaperones Kevin Elllis, Susan Lani, Tom Gray, Pam Cowperthwaite, Sasha Peterson, Emilio Sanchez, Mary Biller, and Shannon Wheeler; John Shelton.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to B. J. Thomas.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, May 24, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:16 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly