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ASSEMBLY BILL NO. 176—ASSEMBLYMEN CARRILLO,  
EISEN; HANSEN AND MUNFORD

FEBRUARY 27, 2013

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Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the emissions testing of certain consigned vehicles. (BDR 40-964)

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

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

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AN ACT relating to the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires certain sellers or long-term lessors of a used vehicle to  
2 provide the buyer or long-term lessee of the vehicle with evidence of compliance  
3 certifying that the vehicle is equipped with devices for the control of pollution from  
4 motor vehicles and complies with the requirements of the State Environmental  
5 Commission. (NRS 445B.800) **Section 6** of this bill exempts a consignee from that  
6 requirement for any motor vehicle sold at a consignment auction if the consignee:  
7 (1) informs the buyer that the buyer will be responsible for obtaining an emissions  
8 inspection or testing before the buyer may register the vehicle; and (2) posts a  
9 notice at the site of the auction stating that the consignee is exempt from the  
10 requirement to obtain an emissions inspection or testing of any vehicle sold by  
11 consignment auction.

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

1       **Section 1.** Chapter 445B of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3       **Sec. 2.** *“Consignee” has the meaning ascribed to it in*  
4 *NRS 482.31772.*

5       **Sec. 3.** *“Consignment auction” means any transaction*  
6 *whereby the registered owner or lienholder of a vehicle agrees,*  
7 *entrusts or in any other manner authorizes a consignee to act as*  
8 *his or her agent to sell or attempt to sell the interest of the*  
9 *registered owner or lienholder in the vehicle by means of a live*  
10 *auction with an auctioneer verbally calling for and accepting bids.*

11       **Sec. 4.** NRS 445B.700 is hereby amended to read as follows:

12       445B.700 As used in NRS 445B.700 to 445B.845, inclusive,  
13 *and sections 2 and 3 of this act*, unless the context otherwise  
14 requires, the words and terms defined in NRS 445B.705 to  
15 445B.758, inclusive, *and sections 2 and 3 of this act* have the  
16 meanings ascribed to them in those sections.

17       **Sec. 5.** NRS 445B.759 is hereby amended to read as follows:

18       445B.759 1. The provisions of NRS 445B.700 to 445B.845,  
19 inclusive, *and sections 2 and 3 of this act* do not apply to:

20       (a) Military tactical vehicles; or

21       (b) Replica vehicles.

22       2. As used in this section:

23       (a) “Military tactical vehicle” means a motor vehicle that is:

24               (1) Owned or controlled by the United States Department of  
25 Defense or by a branch of the Armed Forces of the United States;  
26 and

27               (2) Used in combat, combat support, combat service support,  
28 tactical or relief operations, or training for such operations.

29       (b) “Replica vehicle” means any passenger car or light-duty  
30 motor vehicle which:

31               (1) Has a body manufactured after 1968 which is made to  
32 resemble a vehicle of a model manufactured before 1968;

33               (2) Has been altered from the original design of the  
34 manufacturer or has a body constructed from materials which are  
35 not original to the vehicle;

36               (3) Is maintained solely for occasional transportation,  
37 including exhibitions, club activities, parades, tours or other similar  
38 uses; and

39               (4) Is not used for daily transportation.

40       ↪ The term does not include a vehicle which has been restored to its  
41 original design by replacing parts.



1     **Sec. 6.** NRS 445B.805 is hereby amended to read as follows:  
2     445B.805 The provisions of NRS 445B.800 do not apply to:

3     1. Transfer of registration or ownership between:

4     (a) Husband and wife; or

5     (b) Companies whose principal business is leasing of vehicles, if  
6 there is no change in the lessee or operator of the vehicle.

7     2. Motor vehicles which are subject to prorated registration  
8 pursuant to the provisions of NRS 706.801 to 706.861, inclusive,  
9 and which are not based in this State.

10    3. Transfer of registration if evidence of compliance was issued  
11 within 90 days before the transfer.

12    4. *A consignee who is conducting a consignment auction if*  
13 *the consignee:*

14    (a) *Informs the buyer that the consignee is not required to*  
15 *obtain an inspection or testing of the motor vehicle pursuant to the*  
16 *regulations adopted by the Commission under NRS 445B.770 and*  
17 *that any such inspection or testing that is required must be*  
18 *obtained by the buyer before the buyer registers the motor vehicle;*  
19 *and*

20    (b) *Posts a notice in a conspicuous location at the site of the*  
21 *consignment auction stating that the consignee is exempt from*  
22 *any requirement to obtain an inspection or testing of a motor*  
23 *vehicle pursuant to the regulations adopted by the Commission*  
24 *under NRS 445B.770 if the motor vehicle is sold at the*  
25 *consignment auction.*

26    **Sec. 7.** NRS 445B.840 is hereby amended to read as follows:  
27    445B.840 It is unlawful for any person to:

28    1. Possess any unauthorized evidence of compliance;

29    2. Make, issue or use any imitation or counterfeit evidence of  
30 compliance;

31    3. Willfully and knowingly fail to comply with the provisions  
32 of NRS 445B.700 to 445B.815, inclusive, *and sections 2 and 3 of*  
33 *this act* or any regulation adopted by the Department of Motor  
34 Vehicles; or

35    4. Issue evidence of compliance if he or she is not a licensed  
36 inspector of an authorized inspection station, authorized station or  
37 fleet station.

38    **Sec. 8.** NRS 445B.845 is hereby amended to read as follows:

39    445B.845 1. A violation of any provision of NRS 445B.700  
40 to 445B.845, inclusive, *and sections 2 and 3 of this act* relating to  
41 motor vehicles, or any regulation adopted pursuant thereto relating  
42 to motor vehicles, is a misdemeanor. The provisions of NRS  
43 445B.700 to 445B.845, inclusive, *and sections 2 and 3 of this act*,  
44 or any regulation adopted pursuant thereto, must be enforced by any  
45 peace officer.



1        2. Satisfactory evidence that the motor vehicle or its equipment  
2 conforms to those provisions or regulations, when supplied by the  
3 owner of the motor vehicle to the Department of Motor Vehicles  
4 within 10 days after the issuance of a citation pursuant to subsection  
5 1, may be accepted by the court as a complete or partial mitigation  
6 of the offense.

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