



Bill Number: H.B. 2608

Nelson Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

H.B. 2608, effective October 1, 2011, provides for a licensing classification for public consignment auction dealers and prescribes related requirements. The bill exempts public consignment auction dealers from motor vehicle dealer's implied warranty of merchantability and vehicle emissions inspection requirements.

The Nelson Floor Amendment makes the following changes to the bill:

1. Requires the public consignment auction dealer to provide written notice to ADOT within 15 days of the sale (transfer) of the vehicle at auction, rather than immediately. For the vehicle purchaser, written notice of transfer is required at the time of delivery and the notice may be in the form of an invoice.
2. Prescribes penalties for public consignment auction dealers who fail to provide written notice of transfer to ADOT.
3. Modifies the contents of the notice of transfer given to ADOT and the vehicle purchaser to indicate whether the vehicle is a salvage vehicle.
4. Requires the public consignment auction dealer to comply with current law regarding the sale of salvage vehicles. Current law requires the owner of a salvage vehicle to deliver the salvage certificate of title to the purchaser and notify ADOT of the name and address of the purchaser. In addition, the seller of a salvage vehicle must disclose to the purchaser that the vehicle is a salvage vehicle before completion of the sale (A.R.S. § 28-2091).
5. Requires the public consignment auction dealer to post a sign at its established place of business that informs the public that the auction dealer is exempt from implied warranty of merchantability and vehicle emissions requirements.

Amendment explanation prepared by Tony DeMarco

4/13/2011

NELSON FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2608
(Reference to House engrossed bill)

1 Page 6, between lines 18 and 19, insert:

2 **"B. A PUBLIC CONSIGNMENT AUCTION DEALER SHALL POST AT THE PUBLIC**
3 **CONSIGNMENT AUCTION DEALER'S ESTABLISHED PLACE OF BUSINESS A SIGN INDICATING**
4 **THAT THE PUBLIC CONSIGNMENT AUCTION DEALER IS EXEMPT FROM THE PROVISIONS**
5 **DESCRIBED IN SUBSECTION A OF THIS SECTION."**

6 Reletter to conform

7 Line 20, strike "**IMMEDIATELY**"

8 Line 21, strike "**PURSUANT TO SECTION 28-4555**" insert "**WITHIN FIFTEEN DAYS AFTER**
9 **THE TRANSFER**"

10 Between lines 29 and 30, insert:

11 **"7. NOTICE AS TO WHETHER THE VEHICLE IS A SALVAGE VEHICLE.**

12 **D. A PUBLIC CONSIGNMENT AUCTION DEALER WHO FAILS TO PROVIDE WRITTEN**
13 **NOTICE TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER TRANSFERRING A MOTOR**
14 **VEHICLE, AS PRESCRIBED BY SUBSECTION C OF THIS SECTION, SHALL PAY THE**
15 **DEPARTMENT A PENALTY OF EIGHT DOLLARS FOR THE FIRST MONTH AND FOUR DOLLARS**
16 **FOR EACH ADDITIONAL MONTH THAT THE NOTICE IS NOT PROVIDED, NOT TO EXCEED A**
17 **TOTAL OF ONE HUNDRED DOLLARS."**

18 Reletter to conform

19 Line 31, strike "**IMMEDIATELY**"; after "**PURCHASER**" insert "**AT THE TIME OF DELIVERY**
20 **OF THE MOTOR VEHICLE TO THE PURCHASER IN THE FORM OF AN INVOICE OR"**

Senate Amendments to H.B. 2608

1 Page 6, between lines 37 and 38, insert:

2 "5. NOTICE AS TO WHETHER THE VEHICLE IS A SALVAGE VEHICLE."

3 Line 41, strike "B" insert "C"

4 Page 7, between lines 9 and 10, insert:

5 "4. COMPLY WITH THE REQUIREMENTS OF SECTION 28-2091 RELATING TO

6 SALVAGE CERTIFICATES OF TITLE."

7 Amend title to conform

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03/29/2011

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