

CHAPTER 647 - DEALERS IN JUNK AND SECONDHAND MATERIALS; SCRAP METAL PROCESSORS

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GENERAL PROVISIONS

NRS 647.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 647.011](#) to [647.018](#), inclusive, have the meanings ascribed to them in those sections.

[1:22:1921; NCL § 3720]—(NRS A 1971, 931; [1991, 788](#); [1997, 2548](#); [2009, 1241](#))

NRS 647.011 “Advertise” defined. “Advertise” includes the use of any newspaper, magazine or other publication, letter, sign, card or other printed matter, radio or television transmission or any other method to bring to the attention of the public that a person is engaged in the business of:

1. Purchasing or selling hides or junk; or
2. Buying and selling metal junk, melted metals or secondhand personal property, including, without limitation, antiques or collectibles.

(Added to NRS by [1997, 2547](#))

NRS 647.012 “Antique” defined. “Antique” means a unique object of personal property that is not less than 60 years old and has special value primarily because of its age.

(Added to NRS by [1997, 2547](#))

NRS 647.013 “Collectible” defined. “Collectible” means an object of personal property that has special value primarily because of its unique characteristics and the high level of demand for the object.

(Added to NRS by [1997, 2547](#))

NRS 647.015 “Junk” defined. “Junk” includes old iron, copper, brass, lead, zinc, tin, steel and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and all other secondhand, used or castoff articles or material of any kind, but does not include scrap metal.

(Added to NRS by [1997, 2547](#); A [2009, 1241](#))

NRS 647.016 “Junk dealer” defined. “Junk dealer” means every person, firm or corporation engaged in the business of purchasing or selling hides or junk, other than used books.

(Added to NRS by [1997, 2547](#); A [1999, 2546](#))

NRS 647.017 “Scrap metal” defined.

1. “Scrap metal” means:

(a) Nonferrous metals, scrap iron, stainless steel or other material or equipment which consists in whole or in part of metal and which is used in construction, agricultural operations, electrical power generation, transmission or distribution, cable, broadband or telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the State or a local government, including, without limitation, street lights, traffic-control devices, park lights or ballpark lights; and

(b) Catalytic converters.

2. The term does not include waste generated by a household, aluminum beverage containers, used construction scrap iron or materials consisting of a metal product in its original manufactured form which contains not more than 20 percent by weight nonferrous metal.

(Added to NRS by [2009, 1239](#))

NRS 647.0172 “Scrap metal processor” defined. “Scrap metal processor” means any person who:

1. Engages in the business of purchasing, trading, bartering or otherwise receiving scrap metal; or

2. Uses machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

(Added to NRS by [2009, 1239](#))

NRS 647.018 “Secondhand dealer” defined.

1. “Secondhand dealer” means any person engaged in whole or in part in the business of buying and selling metal junk, melted metals or secondhand personal property, other than antiques, used books, coins and collectibles.

2. The term does not include a person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms if:

(a) The person engages in that business at a show that:

(1) Is held at:

(I) A convention facility which is owned or operated by and located on the premises of a resort hotel; or

(II) A recreational facility which is owned or operated by a county fair and recreation board; and

(2) Is conducted for not more than 7 days during any 6-month period; and

(b) The person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. § 923.

(Added to NRS by [1997, 2547](#); A [1999, 2546](#); [2003, 653](#); [2009, 767](#); [2011, 866](#))

NRS 647.019 Licensing as pawnbroker. A junk dealer or secondhand dealer who, after purchasing property from a customer, enters into an agreement to allow the customer to buy back the property:

1. Must be licensed as a pawnbroker by the county, city or town in which the transaction occurred if that county, city or town requires pawnbrokers to obtain a license; and
2. Shall comply with the provisions of [chapter 646](#) of NRS.

(Added to NRS by [1997, 2548](#))

NRS 647.0191 Prohibition against buying and selling motor vehicle to same person.

1. A junk dealer or secondhand dealer may not, as part of his or her business as a junk dealer or secondhand dealer, buy a motor vehicle from a person and sell the motor vehicle to the same person.

2. As used in this section, “motor vehicle” means any self-propelled vehicle that is used upon a highway, but not operated on rails, for the purpose of transporting persons or property. The term does not include electric personal assistive mobility devices as defined in [NRS 482.029](#).

(Added to NRS by [1997, 2548](#); A [2003, 1207](#))

NRS 647.0192 Exemption of charitable organizations from chapter. All charitable organizations which are recognized as such by the Internal Revenue Code of the United States are exempt from the provisions of this chapter.

(Added to NRS by 1979, 322)—(Substituted in revision for NRS 647.005)

NRS 647.0193 Local regulation of certain advertising. The board of county commissioners of a county or the governing body of a city may, by ordinance, prohibit any person from advertising within its respective jurisdiction as a junk dealer or a secondhand dealer unless the person holds a valid license to engage in such a business within the jurisdiction. The county or city may require that the number of the person’s business license be included in such advertising.

(Added to NRS by [1991, 788](#))—(Substituted in revision for NRS 647.007)

NRS 647.0195 Power of cities and counties to license, tax and regulate not impaired. The provisions of this chapter do not impair the power of cities and counties in this State to license, tax and regulate any person, firm or corporation now engaged in or hereafter engaged in the buying and selling of junk or scrap metal.

[Part 7:22:1921; NCL § 3727]—(NRS A 1971, 931; [1987, 1730](#); [1991, 788](#); [2009, 1241](#))—(Substituted in revision for NRS 647.080)

DEALERS IN JUNK

NRS 647.020 Description of purchases to be posted. Every junk dealer shall at all times keep conspicuously posted in his or her office or place of business a description of and the

amount of hides and junk purchased by the junk dealer each day, together with the names and addresses of the persons from whom the purchases were made.

[2:22:1921; NCL § 3721]—(NRS A 1983, 745)

NRS 647.030 Information concerning purchases must be recorded in book; prohibition on altering or destroying information; book must be open to inspection by certain law enforcement officers.

1. Every junk dealer shall keep a book in which must be written in ink at the time of purchase a full and accurate description of each article purchased, together with the full name, residence, driver's license number, vehicle license number and general description of the person selling the article.

2. In addition to the information required to be included in the book pursuant to subsection 1, a junk dealer must include in writing in ink in the book each time he or she purchases or otherwise receives metallic wire that has been burned in whole or in part to remove insulation:

(a) The name of the person who delivered the metallic wire; and

(b) A description of the written evidence obtained by the junk dealer pursuant to [NRS 647.035](#) identifying the person who delivered the metallic wire.

3. No entry in the book may be erased, mutilated or changed.

4. The book must be open at all times to inspection by the sheriff of the county or any of his or her deputies, any member of the police department in the city or town, and any constable or other county or municipal officer in the county in which the junk dealer does business.

[3:22:1921; NCL § 3722]—(NRS A 1967, 178; 1971, 931; 1983, 745; [1999, 279](#))

NRS 647.035 Burned metallic wire: Information concerning person who delivered wire must be obtained; period during which information must be retained.

1. A junk dealer shall not purchase or otherwise receive metallic wire that has been burned in whole or in part to remove insulation unless, at the time that the metallic wire is purchased or otherwise received, the junk dealer obtains:

(a) Written evidence identifying the person who delivered the metallic wire; and

(b) A statement signed by the person who delivered the metallic wire in which the person attests that the metallic wire was lawfully acquired and burned.

2. A junk dealer shall retain the written evidence and the statement obtained pursuant to subsection 1 for not less than 3 years.

(Added to NRS by [1999, 279](#))

NRS 647.040 Lost or stolen personal property in possession of junk dealer: Duty to report; inspections.

1. If any personal property is advertised as having been lost or stolen, and the property or any property answering to the description advertised, or any part of it, is in the possession of any junk dealer or comes into his or her possession, the junk dealer shall immediately notify the

sheriff of the county or the chief of police of the city or town in which the junk dealer does business, stating when and from whom the property was received.

2. Any junk dealer who has in his or her possession any personal property that is alleged to have been lost or stolen shall exhibit the property on demand to any police officer or constable, or other municipal or county official of the city, town or county in which the junk dealer does business, or to any person duly authorized in writing by any magistrate to inspect property in the possession of the junk dealer, if the person exhibits his or her authorization to the junk dealer.

[4:22:1921; NCL § 3723]—(NRS A [1991, 495](#))

NRS 647.050 Purchase of junk from certain persons prohibited. No junk dealer or any other person, firm or corporation shall purchase any junk from:

1. Any person appearing to be intoxicated.
2. Any person appearing to be in any abnormal mental condition.
3. Any minor, without the written consent of a parent or guardian of the minor. The written consent shall be kept on file and shall be subject to inspection along with the description of property provided for in [NRS 647.060](#).

[5:22:1921; NCL § 3724]

NRS 647.060 Vendors' statements: Contents and filing.

1. At the time of purchase by any junk dealer of any hides or junk, the junk dealer shall require the person vending the hides or junk to subscribe a statement containing the following information:

- (a) When, where and from whom the vendor obtained the property.
- (b) The vendor's age, residence, including the city or town, and the street and number, if any, of the residence, and such other information as is reasonably necessary to enable the residence to be located.
- (c) The name of the employer, if any, of the vendor and the place of business or employment of the employer.

2. Except as otherwise provided in subsection 3, the junk dealer shall on the next business day:

- (a) File the original statement subscribed by the vendor in the office of the sheriff of the county where the purchase was made; and
- (b) If the purchase was made in a city or town, file a copy of the statement with the chief of police of that city or town.

3. In a county whose population is less than 47,500, the original statement may be filed in the office of the sheriff's deputy for transmission to the sheriff.

[6:22:1921; NCL § 3725]—(NRS A [1991, 172](#); [2001, 1997](#); [2011, 1300](#))

NRS 647.070 Applications and permits for shipping junk and hides. Every junk dealer, before shipping or transporting any articles purchased, shall apply to the sheriff, a deputy or any constable or chief of police in the county from which such shipment is to be made, for inspection of the articles to be shipped. The application shall be signed by the applicant, and

shall contain full information concerning the number, character and description of the articles proposed to be shipped. Any such officer shall retain the application and description, and shall issue to the applicant a permit for the shipment of articles enumerated and described in the application.

[6a:22:1921; added 1929, 364; NCL § 3726]

SCRAP METAL PROCESSORS

NRS 647.092 Prohibition on purchase of scrap metal without business license and authorization from or registration with solid waste management authority. A person shall not purchase scrap metal unless that person:

1. Possesses both a valid business license issued by the State pursuant to [chapter 76](#) of NRS and a valid business license from the city or county, as applicable, in which the person purchases scrap metal; and
2. Has obtained all required authorizations to operate from, or is otherwise registered with, the solid waste management authority for the area in which the person purchases scrap metal.

(Added to NRS by [2009, 1239](#))

NRS 647.094 Record of purchases; photographic or video documentation; inspection of scrap metal and records.

1. Every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:

- (a) The date of the purchase.
- (b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.
- (c) A copy of the seller's valid:
 - (1) Personal identification card issued by this State or any other state or territory of the United States;
 - (2) Driver's license issued by this State or any other state or territory of the United States;
 - (3) United States military identification card; or
 - (4) Any form of identification which may serve as an acceptable form of identification pursuant to [NRS 237.200](#).
- (d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including the seller's gender, height, eye color and hair color.
- (e) A photograph, video record or digital record of the seller.
- (f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.
- (g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

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(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of business be open to the inspection of a prosecuting attorney or any peace officer.

(Added to NRS by [2009, 1239](#); A [2013, 1539](#))

NRS 647.0945 Electronic reporting systems: Authority of local law enforcement agencies; reporting requirements; definition.

1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(a) The name of the seller;

(b) The date of the purchase;

(c) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of [NRS 647.094](#) and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(e) The license number and general description of any vehicle that delivered the scrap metal;



(f) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of [NRS 647.094](#); and

(g) The amount, in weight, of scrap metal purchased.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to [NRS 647.094](#).

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal within the jurisdiction of the law enforcement agency.

6. The provisions of this section do not apply to the purchase of scrap metal from a business entity.

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from local law enforcement agencies in this state and representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

(a) The confidentiality of consumer information;

(b) The confidentiality of proprietary information;

(c) Equity of input into contractual terms;

(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;

(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, “designated third party” means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

(Added to NRS by [2013, 1537](#))

NRS 647.0946 Immunity from civil liability. A person is immune from any civil liability for any action taken in good faith and without malicious intent in carrying out the provisions of [NRS 647.094](#) or [647.0945](#).

(Added to NRS by [2013, 1539](#))

NRS 647.0947 Confidentiality of records.

1. Except as otherwise required pursuant to [NRS 647.0945](#), any information concerning the purchase of scrap metal, as described in [NRS 647.094](#) and [647.0945](#), must be kept confidential by the person in whose possession such information is held.

2. A person who knowingly and willfully violates subsection 1 is guilty of a gross misdemeanor.

(Added to NRS by [2013, 1539](#))

NRS 647.096 Peace officer or investigator may place written hold on property possessed by scrap metal processor; procedure for obtaining custody of property; limitations on disposal of property; notice.

1. A peace officer or investigator who is involved in the investigation or prosecution of criminal activity may place a written hold for not more than 7 business days on any property in the possession of a scrap metal processor that is related or allegedly related to the criminal activity. A hold pursuant to this section may be extended for an additional period of not more than 7 business days by a peace officer or investigator by providing written notice to the scrap metal processor.

2. While a hold is placed on property pursuant to this section, the scrap metal processor shall not remove or dispose of the property to any person other than the peace officer or investigator who placed the hold on the property. A peace officer or investigator who placed a hold on property may obtain custody of the property from the scrap metal processor if the peace officer or investigator:

(a) Has obtained written authorization from the prosecuting attorney which includes, without limitation, a description of the property and an acknowledgment of the scrap metal processor's interest in the property; and

(b) Provides a copy of the written authorization to the scrap metal processor.

3. Property received by a peace officer or investigator pursuant to this section may be disposed of only in the manner set forth in [NRS 52.385](#) or [179.125](#) to [179.165](#), inclusive.

4. A peace officer or investigator who places a hold on property pursuant to this section shall notify the scrap metal processor in writing when the investigation or prosecution has concluded or when the hold is no longer necessary, whichever occurs sooner.

(Added to NRS by [2009, 1240](#))

NRS 647.098 Limitations and requirements relating to method of payment by scrap metal processor to seller; receipt required.

1. For each purchase of scrap metal with a value of \$150 or more by a scrap metal processor, the scrap metal processor must pay the seller only by check or electronic transfer of money. For payments made by check to a seller who represents a business, the check must be

made payable to the business using the name of the business. A scrap metal processor shall not conduct more than one cash transaction of less than \$150 with the same seller on the same day.

2. A scrap metal processor shall provide a receipt to the seller on-site at the time of the purchase of scrap metal by the scrap metal processor. The receipt must include, without limitation, the following information:

- (a) The date, time and place of the purchase;
 - (b) An identifying description and weight of the scrap metal that is being purchased;
 - (c) The price paid by the scrap metal processor for the scrap metal;
 - (d) A copy of the personal identification provided pursuant to paragraph (c) of subsection 1 of [NRS 647.094](#); and
 - (e) The license number of the vehicle delivering the scrap metal that is being purchased.
- (Added to NRS by [2009, 1241](#))

DEALERS IN SECONDHAND MATERIALS

NRS 647.105 Applicability of provisions to certain persons who buy or sell secondhand firearms or items related to secondhand firearms. A person who is described in subsection 2 of [NRS 647.018](#):

1. Shall comply with the provisions of [NRS 647.110](#), [647.120](#) and [647.130](#); and
 2. Is subject to the provisions of [NRS 647.140](#) and [647.145](#).
- (Added to NRS by [1999, 2545](#))

NRS 647.110 Record of transactions; inspection of record and goods.

1. Every secondhand dealer doing business in any incorporated city or unincorporated town in this State shall maintain in his or her place of business a book or other permanent record in which must be legibly written in the English language, at the time of each purchase, a record thereof containing:

- (a) The date of the transaction.
- (b) The name or other identification of the person or employee conducting the transaction.
- (c) The name, age, driver's license number, street and house number and a general description of the complexion, color of hair and facial appearance of the person with whom the transaction is had.
- (d) If the transaction involves household furniture, the license number of the vehicle delivering each purchase.
- (e) A description of the property bought. In the case of watches, the description must contain the name of the maker and the number of the works or the case. In the case of jewelry, all letters and marks inscribed on the jewelry must be included in the description. When the article bought is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction is sufficient.
- (f) The price paid.

2. The record and all goods received must at all times during the ordinary hours of business be open to the inspection of the prosecuting attorney or of any peace officer.

[Part 1911 C&P § 200; A 1917, 410; 1919 RL § 6465; NCL § 10148] + [1911 C&P § 201; RL § 6466; NCL § 10149]—(NRS A 1971, 931; 1983, 746; [1995, 859](#))

NRS 647.120 Reports of transactions and suspected stolen property to sheriff or chief of police.

1. Except as otherwise provided in subsection 4, every secondhand dealer doing business in:

(a) Any unincorporated town shall, before 12 m. of each day, furnish to the sheriff of the county a full, true and correct transcript of the record of all transactions had on the preceding day. The transcript must be furnished by mail or by any other means, including, without limitation, by electronic or facsimile transmission, as directed by the sheriff.

(b) Any incorporated city shall, before 12 m. of each day, furnish to the chief of police of the city, a full, true and correct transcript of the record of all transactions had on the preceding day. The transcript must be furnished by mail or by any other means, including, without limitation, by electronic or facsimile transmission, as directed by the chief of police.

2. Every transcript prepared pursuant to subsection 1 must include, but is not limited to:

(a) The date and time of each transaction; and

(b) The identity of the secondhand dealer or employee who conducted the transaction.

Ê The person conducting the transaction shall legibly print or type his or her full name and write his or her signature on the transcript. Each transcript must include a certificate, signed by the person selling the property to the secondhand dealer, stating that the person has the legal right to sell the property.

3. Every secondhand dealer doing business in an unincorporated town or in an incorporated city having good cause to believe that any property in his or her possession has been previously lost or stolen shall forthwith report that fact to the sheriff or chief of police, respectively, together with the name of the owner if known, and the date when and the name of the person from whom the secondhand dealer received the property.

4. The provisions of subsection 1 do not apply to any transaction which involves buying, selling or trading used:

(a) Books, periodicals or sound recordings;

(b) Clothing; or

(c) Coins which are not part of any jewelry.

[1911 C&P § 202; A 1917, 410; 1919 RL § 6467; NCL § 10150]—(NRS A 1967, 179; 1983, 746; [1991, 121](#); [2003, 654](#))

NRS 647.130 Retention of marked or otherwise individually identifiable property; exception for motor vehicles.

1. Except as otherwise provided in subsection 2, no property which has a specific mark for identification or is otherwise individually identifiable and is bought by any secondhand dealer may be removed from his or her place of business at which the transaction occurred within:

(a) Thirty days after the receipt thereof is reported or a record of the receipt of the property is furnished or mailed to the sheriff or the chief of police, if the place of business is located in a county whose population is 700,000 or more; or

(b) Fifteen days after the receipt thereof is reported or a record of the receipt of the property is furnished or mailed to the sheriff or the chief of police, if the place of business is located in a county whose population is less than 700,000.

2. A secondhand dealer who purchases a motor vehicle may, during the period prescribed in subsection 1, remove the motor vehicle from the place of business at which the transaction occurred to a place used by the secondhand dealer for the storage of purchased motor vehicles. Once the motor vehicle is moved to the place of storage, the secondhand dealer shall not remove the motor vehicle from that place during the remainder of the period prescribed in subsection 1.

[Part 1911 C&P § 203; RL § 6468; NCL § 10151]—(NRS A 1983, 747; [1993, 2323](#); [1997, 2548](#); [2011, 1301](#))

NRS 647.132 Peace officer or investigator may place written hold on property possessed by secondhand dealer; procedure for obtaining custody of property; limitations on disposal of property; notice.

1. A peace officer or investigator who is involved in the investigation or prosecution of criminal activity may place a written hold on any property in the possession of a secondhand dealer that is related or allegedly related to the criminal activity.

2. While a hold is placed on property pursuant to this section, the secondhand dealer shall not remove or dispose of the property to any person other than the peace officer or investigator who placed the hold on the property. A peace officer or investigator who placed a hold on property may obtain custody of the property from the secondhand dealer if the peace officer or investigator:

(a) Has obtained written authorization from the prosecuting attorney which includes, without limitation, a description of the property and an acknowledgment of the secondhand dealer's interest in the property; and

(b) Provides a copy of the written authorization to the secondhand dealer.

3. Property received by a peace officer or investigator pursuant to this section may be disposed of only in the manner set forth in [NRS 52.385](#) or [179.125](#) to [179.165](#), inclusive.

4. A peace officer or investigator who places a hold on property pursuant to this section shall notify the secondhand dealer in writing when the investigation or prosecution has concluded or when the hold is no longer necessary, whichever occurs sooner.

(Added to NRS by [2003, 653](#))

UNLAWFUL ACTS; PENALTIES

NRS 647.135 Violations by junk dealer. Any junk dealer who violates any of the provisions of [NRS 647.020](#) to [647.070](#), inclusive, is guilty of a misdemeanor.

[Part 7:22:1921; NCL § 3727]—(NRS A 1967, 645; [1991, 788](#); [1999, 280](#))

NRS 647.140 Violations by secondhand dealer or clerk, agent or employee of secondhand dealer. A secondhand dealer and a clerk, agent or employee of a secondhand dealer is guilty of a misdemeanor if he or she:

1. Fails to make an entry of any material matter in a book or record kept as provided for in [NRS 647.110](#).

2. Makes a false entry in the book or record.
3. Obliterates, destroys or removes from his or her place of business the book or record.
4. Refuses to allow the prosecuting attorney or a peace officer to inspect the book or record or any goods in his or her possession, during the ordinary hours of business.
5. Reports a material matter falsely to the sheriff or to the chief of police.
6. Fails to report immediately to the sheriff or to the chief of police the possession of property which he or she may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when and the name of the person from whom he or she received the property.
7. Removes specifically marked or otherwise individually identifiable property received or allows it to be removed from his or her place of business or place of storage in violation of the provisions of [NRS 647.130](#).
8. Receives property from a person under the age of 18 years, common drunkard, habitual user of controlled substances, habitual criminal, habitual felon, habitually fraudulent felon, person in an intoxicated condition, known thief or receiver of stolen property, or known associate of a thief or receiver of stolen property, whether the person is acting in his or her own behalf or as the agent of another.

[Part 1911 C&P § 204; RL § 6469; NCL § 10152]—(NRS A 1971, 2046; 1973, 1580; 1983, 747; [1985, 313](#); [1987, 1573](#); [1993, 2323](#); [1995, 860, 1314](#); [1997, 2549](#))

NRS 647.143 Violations by scrap metal processors. Unless a greater penalty is provided pursuant to specific statute, a person who violates any provision of [NRS 647.094](#), [647.096](#) or [647.098](#) is guilty of a misdemeanor.

(Added to NRS by [2009, 1241](#))

NRS 647.145 Criminal receipt of junk or scrap metal.

1. Any person, including, but not limited to, any junk dealer, scrap metal processor or secondhand dealer, or any agent, employee or representative of a junk dealer, scrap metal processor or secondhand dealer, who buys or receives any junk or scrap metal which he or she knows or should reasonably know is ordinarily used by and belongs to a cable, broadband, telecommunications, telephone, telegraph, gas, water, electric or transportation company or county, city or other political subdivision of this State engaged in furnishing utility service, and who fails to use ordinary care in determining whether the person selling or delivering such junk or scrap metal has a legal right to do so, is guilty of criminally receiving such property.

2. A person convicted of criminally receiving junk or scrap metal is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by 1971, 930; A [1991, 788](#); [1995, 1314](#); [2009, 1241](#))

NRS 179.165 Notice must be provided by law enforcement agency to owner, pawnbroker and other interested persons; contents of notice; sale or disposal of unclaimed property by county treasurer; records.

1. Except as otherwise provided in subsections 2 and 3, a law enforcement agency which has custody of property that has been stolen or embezzled shall, if the agency knows or can reasonably discover the name and address of the owner or the person entitled to possession of the property, notify the owner or the person entitled to possession of the property by letter of the location of the property and the method by which the owner or the person entitled to possession of the property may claim it.

2. If the property that has been stolen or embezzled is a firearm, the law enforcement agency shall notify only the owner of the firearm of the location of the property and the method by which the owner may claim it.

3. If the property that has been stolen or embezzled was obtained from a pawnbroker pursuant to [NRS 646.047](#), the law enforcement agency shall, in addition to notifying the persons described in subsection 1 or 2, as appropriate, notify the pawnbroker from whom it was obtained.

4. The notice must be mailed by certified or registered mail:

(a) Upon the conviction of the person who committed the offense;

(b) Upon the decision of the police or district attorney not to pursue or prosecute the case; or

(c) When the case is otherwise terminated.

5. If the property stolen or embezzled is not claimed by the owner or the person entitled to possession of the property before the expiration of 6 months after the date the notice is mailed or, if no notice is required, after the date notice would have been sent if it were required, the magistrate or other officer having it in custody shall, except as otherwise provided in this subsection, on payment of the necessary expenses incurred for its preservation, deliver it to the county treasurer, who shall dispose of the property as provided in subsection 6. If a metropolitan police department which is organized pursuant to [chapter 280](#) of NRS has custody of the property, the sheriff of the department may deliver it to the county treasurer and accept the net proceeds, if any, from the disposition of the property pursuant to subsection 6 in lieu of the payment of expenses incurred for the property's preservation.

6. Upon receiving stolen or embezzled property pursuant to this section, the county treasurer shall petition the district court for an order authorizing the county treasurer to:

(a) Conduct an auction for the disposal of salable property;

(b) Dispose of property not deemed salable by donations to charitable organizations or by destruction;

(c) Destroy property the possession of which is deemed illegal or dangerous; or

(d) Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.

7. Records of the property disposed of by sale, destruction or donation and an accounting of the cash received by the county treasurer from the sales must be filed with the county clerk.

(Added to NRS by 1967, 1461; A 1973, 565; [1989, 382](#); [1999, 753](#))

NRS 179.125 Stolen or embezzled property held by peace officer subject to magistrate's order. Except as provided in [NRS 52.385](#), when property, alleged to have been

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stolen or embezzled, shall come into the custody of a peace officer, the peace officer shall hold the same subject to the order of the magistrate authorized by [NRS 179.135](#) to direct the disposal thereof.

(Added to NRS by 1967, 1460; A 1975, 1184)

NRS 52.385 Property evidencing crime: Return to person entitled to possession; admissibility of photographs in lieu of property; disposal of property not returned.

1. At any time after property of any person other than the one accused of the crime of which the property is evidence comes into the custody of a peace officer or law enforcement agency, the rightful owner of the property or a person entitled to possession of the property may request the prosecuting attorney to return the property to him or her. Upon receipt of such a request, the prosecuting attorney may, before the property is released, require the peace officer or law enforcement agency to take photographs of the property. Except as otherwise provided in subsection 3, the peace officer or law enforcement agency shall return the property to the person submitting the request within a reasonable time after the receipt of the request, but in no event later than 180 days after the receipt of the request.

2. In the absence of such a request, the prosecuting attorney may authorize the peace officer or law enforcement agency that has custody of the property to return the property to its owner or a person who is entitled to possession of the property.

3. If the prosecuting attorney to whom a request for the release of property is made determines that the property is required for use as evidence in a criminal proceeding, the prosecuting attorney may deny the request for the release of the property.

4. Photographs of property returned pursuant to the provisions of this section are admissible in evidence in lieu of the property in any criminal or civil proceeding if they are identified and authenticated in the proceeding by:

(a) The rightful owner of the property or person entitled to possession of the property to whom the property was released;

(b) The peace officer or representative of the law enforcement agency who released the property; or

(c) A credible witness who has personal knowledge of the property,
Ê in accordance with the provisions of [NRS 52.185](#) to [52.295](#), inclusive.

5. Any property subject to the provisions of this section which is not returned under the provisions of this section must be disposed of as provided in [NRS 179.125](#) to [179.165](#), inclusive.

(Added to NRS by 1975, 1183; A [1979, 694](#); [1985, 796](#); [1993, 279](#); [1999, 754](#))

NRS 237.200 Acceptance of consular identification cards.

1. Except as otherwise provided in subsection 2, with respect to any activity or transaction in which a local government accepts an identification card issued by the Department of Motor Vehicles to identify a person, the local government may also accept a consular identification card to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card for purposes of identification and do not convey an independent right to receive benefits of any type.

3. As used in this section:

(a) “Consular identification card” means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) “Identification card issued by the Department of Motor Vehicles” means an identification card of the type described in [NRS 483.810](#) to [483.890](#), inclusive.

(c) “Local government” has the meaning ascribed to it in [NRS 237.050](#).

(Added to NRS by [2003, 1932](#))

NRS 193.130 Categories and punishment of felonies.

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of [NRS 176A.100](#), upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not

limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

[1911 C&P § 18; RL § 6283; NCL § 9967]—(NRS A 1967, 458; [1995, 1167](#); [1997, 1177](#); [1999, 1186](#))

NRS 202.585 Directing light emitted from laser device at aircraft with intent to interfere with operation of aircraft; penalty.

1. A person shall not willfully direct at an aircraft any light emitted from a laser device or other source which is capable of interfering with the vision of a person operating the aircraft with the intent to interfere with the operation of the aircraft.

2. A person who violates this section:

(a) If the violation does not result in injury to any person on the aircraft or damage to the aircraft, is guilty of a misdemeanor.

(b) If the violation results in injury to any person on the aircraft or damage to the aircraft or any equipment used to assist in the navigation or operation of the aircraft, is guilty of a category E felony and shall be punished as provided in [NRS 193.130](#).

3. As used in this section:

(a) “Aircraft” means any contrivance intended for and capable of transporting persons through airspace.

(b) “Laser device” means a device that uses the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave.

(Added to NRS by [2007, 209](#))

NRS 202.595 Performance of act or neglect of duty in willful or wanton disregard of safety of persons or property; penalty. Unless a greater penalty is otherwise provided by statute and except under the circumstances described in [NRS 484B.653](#), a person who performs any act or neglects any duty imposed by law in willful or wanton disregard of the safety of persons or property shall be punished:

1. If the act or neglect does not result in the substantial bodily harm or death of a person, for a gross misdemeanor.

2. If the act or neglect results in the substantial bodily harm or death of a person, for a category C felony as provided in [NRS 193.130](#).

(Added to NRS by [1995, 466](#); A [1995, 1332](#))

NRS 193.130 Categories and punishment of felonies.

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a

different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of [NRS 176A.100](#), upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

[1911 C&P § 18; RL § 6283; NCL § 9967]—(NRS A 1967, 458; [1995, 1167; 1997, 1177; 1999, 1186](#))

<http://www.leg.state.nv.us/NRS/NRS-647.html>