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Business Associations and Professions; short-term automobile leases

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Business Associations and Professions; service charges by financial institutions

NEV. REV. STAT. § 657.— (new).

SB 385 (Committee on Commerce and Labor); 1989 STAT. Ch. 264

Chapter 264 permits a financial institution¹ to charge for services rendered to customers.² The customer must receive written notice of the charge before receiving the service.³ When an account contains insufficient funds to cover all the checks presented in a business day, the checks for the smallest amounts must be cleared first.⁴

BJW

1. 1989 Nev. Stat. Ch. 264, sec. 1, at ___ (enacting NEV. REV. STAT. § 657.—) (defining financial institution).

2. *Id.*

3. *Id.*

4. *Id.*

Business Associations and Professions; short-term automobile leases

NEV. REV. STAT. § 482.— (new).

AB 612 (Nevin); 1989 STAT. Ch. 702

Chapter 702 limits a short-term lessee's¹ liability for damage² to a leased passenger car.³ The lessee's liability is limited to the sum of

1. NEV. REV. STAT. § 482.053 4 (1987) (definition of short-term lessee).

2. The lessor may hold the lessee liable for physical or mechanical damage, loss from theft or vandalism, loss of the use of the car if the lessee is liable for damage or loss, costs incurred by the lessor for towing, storage, and impoundment, and administrative charges. 1989 Nev. Stat. ch. 702, sec. 7, at ___ (enacting NEV. REV. STAT. § 482.—). The lessee's total liability may not exceed the fair market value of the car. *Id.* The lessee's liability for vandalism cannot exceed \$500. *Id.* Administrative charges include costs incidental to the damage, loss, loss of use, repair, or replacement of the car. *Id.* The lessee is presumed not liable for theft if an authorized driver has the ignition key or can prove the key was not in the car at the time the theft took place, and a theft report was filed within 24 hours of discovering the theft. *Id.* See *id.* secs. 3, at ___ (enacting NEV. REV. STAT. § 482.—) (definition of authorized driver); 7, at ___ (enacting NEV. REV. STAT. § 482.—) (definition of fair market value); 8, at ___ (enacting NEV. REV. STAT. § 482.—) (limitations on administrative charge). See also *id.* sec. 8, at ___ (enacting NEV. REV. STAT. § 482.—) (ceiling on lessee's liability).

3. *Id.* sec. 7, at ___ (enacting NEV. REV. STAT. § 482.—).

the estimated cost of replacing or repairing damaged parts, the loss of the use of the car, and any towing, storage, and impound costs paid by the lessor.⁴ If a lessor offers a waiver of damages⁵ for additional consideration, the lessor must make specified disclosures to the lessee.⁶ The lessor may charge the lessee an additional fee based upon the lessee's age, the options or services that the lessee chooses for the car, or the insurance that the lessee requests.⁷ The lessor may also impose an additional charge if the lessee returns the car to a different location from where it was originally leased, or if the lessee did not refill the tank before returning the car.⁸ The lessor may not charge the lessee an additional fee for fuel surcharges, transportation to the place where the lessee must go to pick up the car, or for authorizing additional drivers.⁹

If the lessor delivers the car to the lessee at a location other than the lessor's place of business, the lessor cannot start charging the lessee until the car has actually been delivered;¹⁰ if the lessor takes possession of the car from the lessee at a different location from where the lessor conducts business, then the charges against the lessee stop running once possession has been taken.¹¹ The provisions of

4. *Id.* sec. 8, at ___ (enacting NEV. REV. STAT. § 482.____). The lessee's liability for the cost of replacing parts is limited to the product of the rate of labor customarily paid by the lessor for replacing the parts and the estimated time to replace them. *Id.* For repairing damaged parts, the lessee's liability is limited to an amount which is the lesser of the estimate for the labor and costs of replacing the damaged parts or the product of the labor rate customarily paid by the lessor to repair the damaged parts and the estimated time for repair. *Id.* These amounts include any price reduction to which the lessor is entitled. *Id.* When a lessor may include a provision that a waiver of damages does not apply to the lease, the lessee's liability for loss of use extends only to the amount which is the product of the rate for the car as stated in the lease (excluding optional charges) and the number of days between the date of the accident and the date the car was returned and ready for use. *Id.* When a lessor cannot include a provision that a waiver of damages does not apply to the lease, the lessee's liability for loss of the use of the car only extends to the amount which is the product of the rate for the car as stated in the lease (excluding optional charges) and the sum of the time estimated to repair the damage and the time to replace the parts, calculated at a rate of eight hours per day. *Id.* See *id.* sec. 11, at ____ (enacting NEV. REV. STAT. § 482.____) (circumstances where a lessor may include a provision that waiver of damages does not apply).

5. See *id.* sec. 6, at ___ (enacting NEV. REV. STAT. § 482.____) (definition of waiver of damages).

6. *Id.* sec. 12, at ___ (enacting NEV. REV. STAT. § 482.____). The lessor must disclose the lessee's liability, the fact that the lessee's insurance may cover the liability, the fact that the lessee may purchase an optional waiver of damages, the charge for this option, and a statement that the driver and any passenger five years or older who rides in the car must wear a seatbelt if one is available. *Id.*

7. 1989 Nev. Stat. ch. 702, sec. 16, at ___ (enacting NEV. REV. STAT. § 482.____).

8. *Id.*

9. *Id.* (enacting NEV. REV. STAT. § 482.____).

10. *Id.* (enacting NEV. REV. STAT. § 482.____).

11. *Id.* (enacting NEV. REV. STAT. § 482.____).

Chapter 702 cannot be waived;¹² if they are violated, then the lessee is entitled to bring suit against the lessor for damages and equitable relief.¹³

KR

12. *Id.* sec. 18, at ____ (enacting NEV. REV. STAT. § 482.____).

13. *Id.* sec. 17, at ____ (enacting NEV. REV. STAT. § 482.____).

Business and Professions; statute of frauds—loan commitments

NEV. REV. STAT. § 111.220 (amended).

AB 279 (Committee on Judiciary); 1989 STAT. Ch 128

(Effective May 10, 1989)

Chapter 128 requires that an agreement to loan or provide credit in an amount greater than \$100,000 be evidenced by a writing.¹ Chapter 128 also requires that an agreement to pay \$1,000 or more to obtain a loan or credit extension for another person must be evidenced by a writing.²

GK

1. 1989 Nev. Stat. ch. 128, sec. 4, at ____ (amending NEV. REV. STAT. § 111.220) (this provision only applies to a person who engages in the business of loaning money or extending credit).

2. *Id.* sec. 5, at _____. The writing must express the consideration for the agreement and be signed by the party against whom enforcement is sought. NEV. REV. STAT. § 111.220 (1987) (amended by 1989 Nev. Stat. ch. 128, sec. 1, at ____). Chapter 128 is consistent with the applicable case law. *See generally* Stanley v. Levy & Zentner, 60 Nev. 432, 446, 112 P.2d 1047, 1053 (1947) (common law elements of a sufficient writing for the statute of frauds).