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Consumer Protection; motor vehicle dealers

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membership contract signed pursuant to a false or misleading representation is unenforceable.⁹ Further, a buyer may cancel the membership contract or obtain another remedy¹⁰ if the buyer becomes disabled,¹¹ the membership club closes,¹² or the club changes its location or service.¹³

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clause). A buyer may cancel the membership contract by written notification within three business days of its receipt. *Id.* sec. 7 at 2040. All money paid must be returned to the buyer within 15 days. *Id.*

9. *Id.* sec. 8 at 2040. See NEV. REV. STAT. § 119B.420 (1987) (unlawful to use false or misleading information to advertise the sale of membership contracts in campgrounds); § 119B.430 (1987) (unlawful to use deceptive or unfair methods in the sale of a membership in a campground). See NEV. REV. STAT. § 598.410 (1987) (definition of deceptive trade practice).

10. See 1989 Nev. Stat. ch. 848, sec. 15, at 2041 (enacting NEV. REV. STAT. § 598.____) (the remedies provided are not exclusive).

11. See 1989 Nev. Stat. ch. 848, sec. 9, at 2040 (enacting NEV. REV. STAT. § 598.____). A buyer who is temporarily disabled may extend the contract for a period equal to the disability; if permanently disabled the buyer may cancel and receive a refund on the contract. *Id.*

12. See *id.* sec. 10 at 2040 (if a membership club closes for more than one month, the buyer may elect to extend the period of the contract or receive a refund).

13. *Id.* sec. 11 at 2040 (if a membership club transfers its services to another club offering fewer services, or moves its location more than 20 miles from the buyer's residence, the buyer is entitled to a proportionate refund or other remedy). It is contrary to public policy for a buyer to waive any of the provisions of Chapter 848, therefore, a waiver will be void. *Id.*, sec. 13. A violation of any provision of this Chapter is a misdemeanor. *Id.* sec. 14 at 2041.

Consumer Protection; motor vehicle dealers

NEV. REV. STAT. §§ 482.3638, 482.36423 (amended).
AB 370 (Nevin); 1989 STAT. CH. 93

Existing law makes it an unfair act¹ to require a dealer of motor vehicles to release a manufacturer² from certain liability.³ Under

1. A district court may provide injunctive relief or damages for an unfair act. 1989 Nev. Stat. ch. 93, sec. 2, at 209 (amending NEV. REV. STAT. § 482.36423). Unfair acts includes: (1) raising prices of new vehicles without prior official written notification; (2) preventing dealers from designating others as participants in the franchise; and (3) modifying franchise agreements in violation of the law. *Id.* sec. 1, at 208 (amending NEV. REV. STAT. § 482.36423).

2. See NEV. REV. STAT. § 482.3638 (1987) (amended by 1989 Nev. Stat. ch. 93, sec. 1, at 209) (Chapter 93 covers manufacturers, distributors, factory branches, or any of their representatives).

3. *Id.* A release from liability, as imposed by Chapter 482 of the Nevada Revised Statutes, may be determined to be an unfair act. NEV. REV. STAT. § 482.3638 (1987).

Chapter 93 an unfair act is committed when a manufacturer requires a dealer to either agree in advance to a place or forum for controversies⁴ or to waive a trial by jury.⁵

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4. See 1989 Nev. Stat. ch. 93, sec. 1, at 209 (amending NEV. REV. STAT. § 482.3638) (dealer may agree to arbitration prior to court proceedings).

5. *Id.* at 2040 (amending NEV. REV. STAT. § 482.3638).

