

**ADOPTED REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R144-04

Effective October 4, 2004

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

AUTHORITY: §§1-4, NRS 482.160.

A REGULATION relating to motor vehicles; establishing the procedure for requesting an extension of time to submit to the Department of Motor Vehicles certain documents and fees relating to the lease or sale of a motor vehicle; and providing other matters properly relating thereto.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *As used in sections 3 and 4 of this regulation, “authorized representative” means a person designated by a principal owner or officer of a business at which the sale or lease of the motor vehicle for which the documentation and fees required to be submitted pursuant to NRS 482.423, 482.4235, 482.424 or 482.4245 occurs.*

Sec. 3. 1. *A seller or a long-term lessor who wishes to obtain an extension of time to submit to the Department the documents and fees that he is required to submit pursuant to NRS 482.423, 482.4235, 482.424 or 482.4245 must submit or have an authorized representative submit a request for an extension of time to the Department before the expiration of the period for submitting the required documents and fees set forth in NRS 482.423, 482.4235, 482.424 or 482.4245, as applicable. The request must be submitted on a form prescribed by the Department and must include:*

(a) The name under which the seller or the long-term lessor does business for the location at which the sale or lease of the motor vehicle for which the documentation and fees are required occurred;

(b) The mailing address of that location;

(c) The number of the license issued by the Department to the licensee of the business for that location;

(d) A description of the vehicle that was sold or leased, including, without limitation, the year, make and vehicle identification number;

(e) A copy of the dealer's report of sale, the long-term lessor's report of lease or the dealer's or rebuilder's report of sale, as applicable;

(f) An explanation of the reason that the extension is required, including, without limitation, the reason that the seller or the long-term lessor is unable to obtain the original manufacturer's certificate of origin or manufacturer's statement of origin, or the properly endorsed certificate of title or certificate of ownership previously issued for the vehicle; and

(g) The printed name and signature of the seller, the long-term lessor or the authorized representative.

2. A request for an extension of time may be submitted in person or by mail to any branch office of the Department that issues licenses for occupations and businesses regulated by the Department. A request that is mailed shall be deemed to be submitted on the date of the postmark that appears on the envelope in which the request was mailed, if postage is prepaid and the envelope is properly addressed to an office of the Department.

3. A seller, a long-term lessor or an authorized representative may submit more than one request for an extension of time to submit the same documents and fees. Except as otherwise

provided in subsection 4, the Department will approve a second or subsequent request for an extension of time if the Department determines that such a request is justified.

4. If a seller, a long-term lessor or an authorized representative submits three or more requests for an extension of time related to the submission of the same documents and fees, the Department will ensure that the third request, or any request subsequent to the third request, is forwarded to the Division of Compliance Enforcement of the Department for review by that Division. The Department will not approve the third request or any request subsequent to the third request unless the Division of Compliance Enforcement of the Department first approves the request.

5. If the Department grants a request for an extension of time pursuant to this section, the seller or the long-term lessor will have 30 days after the date on which the Department approves the request to submit the documents and fees he is required to submit pursuant to NRS 482.423, 482.4235, 482.424 or 482.4245.

Sec. 4. 1. *The Department will deny a request for an extension of time submitted to the Department pursuant to section 3 of this regulation if:*

(a) For an initial request, the seller, the long-term lessor or the authorized representative submits the request to the Department after the expiration of the period for submitting the required documents and fees set forth in NRS 482.423, 482.4235, 482.424 or 482.4245, as applicable, unless the request is made after the Department has returned a document to the seller or the long-term lessor pursuant to subsection 3;

(b) For the second request or any request subsequent to the second request, the seller, the long-term lessor or the authorized representative submits the request to the Department after

the expiration of the 30-day period granted by the Department pursuant to a previously approved extension of time;

(c) The request is incomplete or contains inaccurate information; or

(d) The request is not completed on a form prescribed by the Department.

2. If the Department denies a request for an extension of time pursuant to paragraph (c) or (d) of subsection 1, the Department will return the request to the seller, the long-term lessor or the authorized representative. The seller, the long-term lessor or the authorized representative may resubmit a request for an extension of time that has been returned to him if he resubmits the request before the expiration of the later of:

(a) The period for submitting the required documents and fees set forth in NRS 482.423, 482.4235, 482.424 or 482.4245, as applicable; or

(b) The 30-day period described in subsection 3 if the Department has returned a document described in that subsection to the seller or the long-term lessor.

3. The Department will return a dealer's report of sale, a long-term lessor's report of lease or a dealer's or rebuilder's report of sale, or any other document submitted to the Department pursuant to NRS 482.423, 482.4235, 482.424 or 482.4245, to the seller or the long-term lessor, as applicable, if the document is incomplete or contains inaccurate information. The seller or the long-term lessor may resubmit any such document that has been returned to him if he resubmits the document within 30 days after the date on which the Department returned the document to him. A seller or a long-term lessor who fails to resubmit a document that has been returned to him pursuant to this subsection within the 30-day period described in this subsection shall be deemed to be in violation of NRS 482.423, 482.4235,

482.424 or 482.4245, as applicable, unless he requests an extension of time pursuant to section 3 of this regulation before the expiration of the 30-day period.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R144-04

The Director of the Department of Motor Vehicles adopted regulations assigned LCB File No. R144-04 which pertain to chapter 482 of the Nevada Administrative Code on August 30, 2004.

Notice date: 7/7/2004

Date of adoption by agency: 8/30/2004

Hearing date: 8/16/2004 (Carson City)
8/18/2004 (Las Vegas)

Filing date: 10/4/2004

INFORMATIONAL STATEMENT

The Department of Motor Vehicles noticed and held public workshops in Carson City on July 19, 2004 and in Las Vegas on July 22, 2004. Public Hearings were held in Carson City on August 16, 2004 and August 18, 2004 in Las Vegas. The purpose of the workshops and hearings were to solicit comments and opinion on proposed regulation changes related to motor vehicles; establishing the procedure for requesting an extension of time to submit to the Department of Motor Vehicles certain documents and fees relating to the lease or sale of a motor vehicles; and providing other matters properly relating thereto.

The notice of public workshops and hearings and complete copies of the proposed regulations were posted on July 7, 2004, at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In counties where the Department does not maintain an office, the notice was posted at the main office of the public library.

No one was present at the public workshops or hearings in Carson City and Las Vegas to present testimony. No one presented written testimony.

The Department recommends adopting the regulation with one change. Change Section 3.2 to read; "***A request for an extension of time may be submitted in person or by mail to any agent or office of the Department's Business and Occupational Licensing office.***"

There are no adverse or beneficial economic effects of this regulation to the Department, local authorities or the public.

There is no additional cost to the agency to implement the regulations.

There are no other state or government regulations that the proposed regulations duplicate.