

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

LCB File No. R050-11

Effective February 27, 2012

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

AUTHORITY: §1, NRS 481.051, as amended by Senate Bill No. 441, chapter 213, Statutes of Nevada 2011, at p. 927.

A REGULATION relating to the Department of Motor Vehicles; providing for a processing fee for using a self-service terminal or kiosk to complete certain transactions with the Department; and providing other matters properly relating thereto.

Section 1. Chapter 481 of NAC is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other applicable fee or tax, a customer who uses a self-service terminal or kiosk to complete a transaction with the Department must be charged a nonrefundable processing fee for the transaction.

2. The amount of the fee charged pursuant to subsection 1 must not exceed the amount authorized in the contract entered into by the Department with the supplier of the self-service terminal or kiosk pursuant to NRS 481.051.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Motor Vehicles adopted regulations assigned LCB File No. R050-11, which pertain to chapter number 481 of the Nevada Administrative Code, on December 8, 2011. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R050-11
December 8, 2011

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 481:

1. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on August 1, 2011, and held on August 29, 2011 at the Department of Transportation at 1263 South Stewart Street, Carson City, Nevada and video-conferenced to the Department of Transportation at 123 East Washington, Las Vegas, Nevada, and the Department of Transportation at 1951 Idaho, Elko, Nevada. No member of the general public or business industry attended the workshop and no testimony was submitted. No written comments were submitted.

A Notice of Intent to Act upon the Regulations was noticed on November 1, 2011, and a public hearing was held on December 2, 2011. No member of the general public or business industry attended the hearing and no testimony was submitted. No written comments were submitted.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

2. The number of persons who:
(a) Attended the workshop; 5
In attendance in Carson City – 3

Debbie Wilson, Department of Motor Vehicles (Workshop's Hearing Officer)
Terri Carter, Department of Motor Vehicles
Pete Olson, Department of Motor Vehicles

In attendance in Las Vegas – 1

Kevin Malone, Department of Motor Vehicles

In attendance in Elko – 1

Bonnie Plumb, Department of Motor Vehicles

(b) Testified at the workshop; 0

(c) Submitted to the agency written statements; 0

(d) Attended the hearing; 7

In attendance in Carson City – 5

Martin Hefner, Department of Motor Vehicles (Hearings Officer)

Terri Carter, Department of Motor Vehicles

Pete Olson, Department of Motor Vehicles

Bruce Breslow, Department of Motor Vehicles

Mark Froese, Department of Motor Vehicles

In attendance in Las Vegas – 1

Kevin Malone, Department of Motor Vehicles

In attendance in Elko – 1

Bonnie Plumb, Department of Motor Vehicles

(e) Testified at the hearing; 0

(f) Submitted to the agency written statements; 0

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited using electronic mail and postings as described in Question 1 for both the Workshop and the Hearing. No comments were submitted for either the Workshop or the Hearing.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Since there were no public comments the regulation was adopted without changes.

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

The regulations shall have no estimated adverse economic effect on businesses.

The regulations will benefit businesses in which kiosks are located by increasing customer traffic.

The regulation will impact the public by charging a processing fee of either \$1 or \$3 in addition to the normal applicable transaction fees or taxes.

The regulation will have a beneficial impact on the public by allowing the Department to expand the kiosk program, thus bringing the DMV closer to the public and into residential communities, business centers, colleges and community based retail centers. Not only will this provide a convenience to the public, it will in turn reduce the number of people in line and shorten wait times at DMV offices.

(b) Both immediate and long-term effects.

The regulations will have both an immediate and a long-term beneficial impact on businesses in which the kiosks are located. As additional DMV and other transactions are added to the kiosk, businesses should continue to see an increase in customer traffic.

The public will benefit immediately by the convenience of not having to commute to a DMV office and over the long-term as more kiosks are deployed into areas where people live, work and play.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Department of Motor Vehicles for the enforcement of the adopted regulations.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that regulate the same activity as addressed in the adopted regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Senate Bill 441 (2011) authorized the Department to enter into a contract with a supplier of self-service terminals or kiosks in which the supplier will be paid through the processing fees rather than through the State Highway fund. The processing fees will be used to cover the vendors costs for providing and maintaining the kiosks. The move to change the kiosk program from Highway funded to fee funded will result in significant savings to the State. The table below shows the total Highway Fund expenditures for the kiosk program over the last five years.

Fiscal Year	Total Expenditures
FY 08	\$2,254,336
FY 09	\$1,698,687
FY 10	\$2,018,083
FY 11	\$2,144,638
FY 12 (through October)	\$ 789,304

The regulation provides for a processing fee that must not exceed the amount set forth in the contract between the Department and the kiosk supplier. The current contract will set the fees at \$1 for transactions that do not require printing of a decal, and \$3 for transactions that do require printing of a decal.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on small business?

The Department of Motor Vehicles has determined that the adopted regulation does not impose a direct and significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small businesses. Rather, small businesses will benefit by the increased customer traffic from people who choose the convenience of using a near-by kiosk instead of commuting to a DMV office.