

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

LCB File No. R084-03

Effective October 22, 2003

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

AUTHORITY: §1, NRS 481.052; §§2-4, NRS 481.063.

Section 1. NAC 481.005 is hereby amended to read as follows:

481.005 As used in chapters 482 and 483 of NRS, “seasonal resident” means any person who is not a “resident” as defined in NRS 483.141 and who:

1. Temporarily resides in this state for a period of at least 31 consecutive days in each calendar year;
2. Maintains a temporary residence in this state;
3. Returns to the state or jurisdiction of his residence at least one time during each calendar year; ~~and~~
4. Is registered to vote or pays income tax in another state or jurisdiction ~~and~~; *and*
5. *Does not engage in a trade, profession, occupation or gainful employment in this state.*

Sec. 2. NAC 481.550 is hereby amended to read as follows:

481.550 1. As used in ~~NRS 481.063 and~~ NAC 481.550 to 481.600, inclusive, unless the context otherwise requires:

- (a) ~~“Department” means the Department of Motor Vehicles.~~
- ~~(b)~~ *“Personal information” has the meaning ascribed to it in subsection 11 of NRS 481.063.*

(b) “Requester” means a person who wants to obtain personal information relating to the driver’s license, the identification card, or the title or registration of a vehicle from:

- (1) The Department; or
- (2) The files and records of the Department.

2. As used in NRS 481.063, unless the context otherwise requires ~~it~~, *the Department interprets:*

(a) “Law enforcement agency” ~~means~~ *to mean* a governmental agency or division thereof which:

- (1) Is responsible for enforcing laws and ordinances; and
- (2) Has obtained an originating agency identifier number from:
 - (I) The National Law Enforcement Telecommunications System; or
 - (II) The National Crime Information Center.

(b) “List which includes license plate numbers” ~~means~~ *to mean* a list of information which includes one or more numbers of license plates issued by the Department.

(c) “Request information electronically” ~~means~~ *to mean* to request information by electronic means, including, but not limited to, by facsimile, tape-to-tape transmission or telephone.

(d) “Requester” to have the meaning ascribed to it in subsection 1.

Sec. 3. NAC 481.570 is hereby amended to read as follows:

481.570 1. To obtain personal information relating to the driver’s license, identification card, or title or registration of a vehicle of a person, a requester ~~shall,~~ *must*, unless the requester has opened an account with the Department pursuant to NRS 481.063 and NAC 481.580, submit to the Department:

(a) A completed application, on a form provided by the Department, which sets forth the type and proposed use of the requested information;

(b) An affidavit, on a form provided by the Department, which acknowledges that the request for and the proposed use of the personal information is in compliance with NRS 481.063 and NAC 481.550 to 481.600, inclusive;

(c) Proof of employment or licensure, as applicable; and

(d) Such other information as the Department may reasonably require to evaluate the request for personal information.

2. If the request for personal information is made in a place other than the main office of the Department in Carson City, the Department will forward the request to its ~~main office~~ *Central Services Records Section* in Carson City.

Sec. 4. NAC 481.580 is hereby amended to read as follows:

481.580 1. To open an account with the Department pursuant to NRS 481.063, the requester ~~shall~~ *must* submit to the Department:

(a) A completed application, on a form provided by the Department, which sets forth the proposed type and use of the information requested;

(b) A notarized affidavit in compliance with subsection 9 of NRS 481.063, on a form provided by the Department;

(c) Proof of the employment or licensure, as applicable, which is satisfactory to the Department that the person requesting to open the account is authorized to have access to that information; and

(d) Such other information as the Department may reasonably require to evaluate the request to open an account.

2. If the request to open an account is made in a place other than the main office of the Department in Carson City, the Department will forward the request to its ~~{main-office}~~ *Central Services Records Section* in Carson City.

3. If the Department approves an application to open an account, the Department will assign an account number to the requester. A requester to whom an account number has been assigned shall use that account number when requesting personal information from the Department pursuant to NRS 481.063 and NAC 481.550 to 481.600, inclusive.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R084-03

The Director of the Department of Motor Vehicles adopted regulations assigned LCB File No. R084-03 which pertain to chapter 481 of the Nevada Administrative Code on October 1, 2003.

Notice date: 7/24/2003

Date of adoption by agency: 10/1/2003

Hearing date: 9/11/2003 & 9/12/2003

Filing date: 10/30/2003

INFORMATIONAL STATEMENT

The Department of Motor Vehicles noticed and held public workshops and public hearings on September 11 and September 12, 2003, in Reno and Las Vegas, respectively, to solicit comments and opinion on proposed regulations to further define "seasonal resident," remove "and Public Safety" from existing regulations, and clarify requirements for the release of personal information. Copies of the proposed regulations were available by contacting the Department at (775) 684-4778 or through the mail, 555 Wright Way, Carson City, Nevada 89711.

The notice of public workshops and hearings and complete copies of the proposed regulations were posted on or before July 24, 2003, at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In each county where the Department does not maintain an office, the notice was posted at the main office of the public library.

Public workshops and hearings were held at 10:00 a.m. on September 11, 2003 in Reno and at 10:00 a.m. on September 12, 2003 in Las Vegas; no one was in attendance at either location and no testimony concerning the proposed regulation was taken. No written comments were received.

The Department will adopt the proposed regulations with no changes made.

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

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