

LCB File No. R084-03

**PROPOSED REGULATION OF THE DEPARTMENT
OF MOTOR VEHICLES**

Proposed Effective Date: Upon Codification

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

AUTHORITY: §§ 1-3, NRS 481.063

Section 1. NAC 481.005 “Seasonal resident” defined for purposes of chapters 482 and 483 of NRS. (NRS 481.051, 481.052) 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.

5. Who does not engage in a trade, profession, occupation or accept gainful employment in this state.

Sec. 2. NAC 481.500 Application; investigation.

1. A person desiring information from a file or record of the department of motor vehicles ~~[and public safety]~~ for a private purpose must:

- (a) Submit an application to the director of the department on a form furnished by the department;
- (b) Pay the required fees; and
- (c) Furnish such information as the director of the department deems necessary to determine whether the applicant qualifies to receive information from the files and records.

2. An investigation of each applicant may be conducted to determine whether the applicant qualifies to receive information from the files and records.

Sec. 3. NAC 481.510 Evaluation of application. The director of the department of motor vehicles ~~[and public safety]~~ Will consider the following factors in evaluating an application:

1. The applicant’s need for the information.
2. The extent to which a person’s privacy may be invaded.
3. The proposed use of the information.
4. Any other information which is pertinent to evaluate the application.

Sec. 4. NAC 481.530 Prohibited acts. Any person who receives information for a private purpose from the files and records of the department of motor vehicles ~~[and public safety]~~ shall not:

1. Release or sell any of the information obtained from the department to any other person except as shown on the application or approved by the director; or
2. Knowingly or willfully make a false statement on the application.

Sec. 5. NAC 481.550 Definitions. As used in NRS 481.063 and NAC 481.550 to 481.600, inclusive, unless the context otherwise requires:

1. “Department” means the department of motor vehicles ~~[and public safety]~~.
2. “Law enforcement agency” means a governmental agency or division thereof which:
 - (a) Is responsible for enforcing laws and ordinances; and
 - (b) Has obtained an originating agency identifier number from:
 - (1) The National Law Enforcement Telecommunications System; or
 - (2) The National Crime Information Center.
3. “List which includes license plate numbers” means a list of information which includes one or more numbers of license plates issued by the department.
4. *“Personal information” means information obtained by the department in the normal course of business to issue authorization or grant the privilege or issuance of registration for a license, registration or authorization.*
5. “Requester” means a person who wants to obtain personal information relating to the ~~[driver’s license, identification card, or title or registration of a vehicle of a person from:]~~ *files and records of the department which relates to drivers license, identification cards, seasonal identification cards, titles, vehicle registrations, business licenses, occupational license, third party certifiers, garage registrations and any other privileges, registrations, authorization or licenses.*
 - ~~[(a) The motor vehicles branch of the department; or~~
 - ~~—(b) The files and records of the department which relate to vehicles registered in this state.~~~~—5]~~6. “Retrieve such information electronically” means to retrieve information by electronic means, including, but not limited to, by facsimile, tape-to-tape transmission or telephone.

Sec. 6. NAC 481.570 Procedure for release of personal information ~~[relating to driver’s license, identification card, or title or registration of vehicle]~~.

1. To obtain personal information relating to ~~[the driver’s license, identification card, or title or registration of a vehicle of a person]~~ *records of the department*, a requester shall, 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 in]~~ *Central Services Division, Records, 555 Wright Way*, Carson City.

Sec. 7. NAC 481.580 Procedure for opening account to facilitate requests for information; assignment of account number.

1. To open an account with the department pursuant to NRS 481.063, the requester shall 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 in~~ *Central Services Division, Records, 555 Wright Way*, 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.