

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

LCB File No. R085-03

Effective October 30, 2003

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

AUTHORITY: §§1 and 2, NRS 482.281.

Section 1. NAC 482.720 is hereby amended to read as follows:

482.720 To be eligible to participate in the program, an authorized inspection station or authorized station must not:

1. Have committed any violation set forth in NRS 445B.790;
2. ~~Be~~ *Employ or be* owned, in whole or in part, by any person who has been convicted of a felony for committing ~~[-]~~ *a crime involving moral turpitude, including, without limitation:*
 - (a) A deceptive trade practice; ~~or~~
 - (b) Embezzlement; *or*
 - (c) *Fraud;*
3. Have issued a check to the Department in payment of the fee to obtain forms certifying emission control compliance set forth in NRS 445B.830 that was returned for insufficient money or credit to pay the check; or
4. Possess a license from the Department to engage in the activities of:
 - (a) A vehicle transporter pursuant to the provisions of NRS 482.3161;
 - (b) A broker of vehicles pursuant to the provisions of NRS 482.333;

(c) Dismantling, scrapping, processing or wrecking a vehicle pursuant to the provisions of NRS 487.050;

(d) Operating a salvage pool pursuant to the provisions of NRS 487.410; or

(e) Operating a body shop pursuant to the provisions of NRS 487.610.

Sec. 2. NAC 482.760 is hereby amended to read as follows:

482.760 **1.** During the period of its participation in the program, an authorized inspection station or authorized station:

~~{1.—Shall:}~~

(a) **Shall:**

(1) Be open to the public for the renewal of certificates of registration for motor vehicles at least Monday through Friday from 8 a.m. to 5 p.m., except on the holidays set forth in NRS 236.015;

~~{(b)}~~ **(2)** Employ at the station at least ~~{two approved inspectors}~~ **one approved inspector** whose duties include the renewal of certificates of registration for motor vehicles and who ~~{are}~~ **is** licensed pursuant to the provisions of NAC 445B.485 to 445B.502, inclusive;

~~{(e)}~~ **(3)** Maintain the records relating to the program where the renewal of certificates of registration for motor vehicles are issued;

~~{(d)}~~ **(4)** Authorize the Department or any person designated by the Department to conduct audits of the station's records relating to the program:

~~{(4)}~~ **(I)** Within 3 months after the authorized inspection station or authorized station begins issuing the renewal of certificates of registration for motor vehicles;

~~{(2)}~~ **(II)** At least once every 12 months after completion of the initial audit; and

~~{(3)}~~ **(III)** At any other time requested by the Department; ~~{and}~~

~~—(e)~~

(5) Use software that is issued and installed in an exhaust gas analyzer by the Department to process the renewal of certificates of registration for motor vehicles; and

(6) Deposit the money it has collected from the renewal of certificates of registration for motor vehicles with the Department at the location designated by the Department. The deposits must be made:

~~[(1)]~~ *(I) Not less than once each calendar week; ~~and~~*

~~—(2)]~~ *(II) If the money accumulated for deposit is \$10,000 or more, not later than the next business day ~~;~~*

~~—2.]~~; *and*

(III) In the same form as received from each customer.

(b) Shall not:

~~[(a)]~~ *(1) Employ a person to renew certificates of registration for motor vehicles unless the person:*

(I) Completes a course of instruction provided for that purpose by the Department;

and

(II) Receives from the Department a certificate of completion for the course;

(2) Charge a fee of more than \$10 to renew a certificate of registration for a motor vehicle;

or

~~[(b)]~~ *(3) Use or permit its employees to use:*

~~[(1)]~~ *(I) False, deceptive or misleading advertising to induce a person to renew the certificate of registration for his motor vehicle at that authorized inspection station or authorized station; or*

~~[(2)]~~ **(II)** The name of the Department or the State Seal in any advertisement for the renewal of a certificate of registration for a motor vehicle.

~~[3.— May:~~

~~—(a) Use software that is issued and installed by the Department to process the renewal of certificates of registration for motor vehicles; and~~

~~—(b) Use the website of the Department on the Internet to process the renewal of certificates of registration for motor vehicles.]~~

2. As used in this section, “exhaust gas analyzer” means a device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R085-03**

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 3, 2003.

Notice date: 7/29/2003

Date of adoption by agency: 10/3/2003

Hearing date: 9/4/2003 & 9/5/2003

Filing date: 10/30/2003

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code, Chapter 445B.

The Department of Motor Vehicles (DMV) noticed and held workshops and public hearings on September 4, 2003 and September 5, 2003, to solicit opinion on proposed regulations modifying the regulations found within Chapter 482 of the Nevada Administrative Code regarding emission stations that wish to participate in the vehicle registration renewal program.

The notice of the above noted workshops and public hearings and complete copies of the proposed temporary regulations were posted 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.

Workshops and public hearings were held on September 4, 2003 in Reno, NV. Testimony suggesting changes to Section 1 and Section 2 of the LCB File R085-03 was provided by the DMV Compliance Enforcement Division Chief Investigator. The changes suggested by the Chief Investigator for Section 1 would provide for a broader scope of licensing denial for participation within the program based upon any past Felony Convictions. The changes suggested by the Chief Investigator for Section 2 would require emission station operators to have two inspectors on duty during normal business hours. There was no other testimony provided at this hearing.

Workshops and public hearings were held on September 5, 2003 in Las Vegas, NV. There was no testimony provided at this hearing.

The Department received written testimony from one emission station operator opposing the requirement to have two inspectors on duty during normal business hours.

Based upon both verbal and written testimony the department will adopt the amended permanent regulation with the following changes:

Section 1: **482.720(1)(2)** A language amendment which will not allow an emission station operator to participate in the vehicle registration renewal program whenever either an owner or their employee, or both has been convicted of a felony involving moral turpitude, including but not limited to deceptive trade practices, embezzlement or fraud.

Section 2: **482.760(1)(a)(2)** A language amendment which will require an approved inspector to be employed whose duties include renewal of vehicle certificates of registration.

Section 2: **482.760(1)(5)** A language amendment which requires the renewal of vehicle certificates of registration to be performed by using software issued and installed in an exhaust gas analyzer by the Department.

Section 2: **482.760(1)(6)(III)** A language amendment which requires station operators to deposit funds collected for renewal of vehicle certificates of registration in the same form as received from each customer.

Section 2: **482.760(1)(b)(1)(I)(2)** A language amendment which prohibits a station operator or their employee from performing renewal of vehicle certificates of registration until they have received training provided by the Department and a Certificate of Completion has been issued.

Section 2: **482.760(2)** A language amendment which defines “exhaust gas analyzers”

Section 2: **482.760(3)** Removal of language which allowed station operators to perform renewal of vehicle certificates of registration by use of personal computers using software issued by the Department or through use of the Department’s website.

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 which the proposed regulations duplicate.