

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

LCB File No. R008-05

Effective October 31, 2005

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

AUTHORITY: §1, NRS 482.281.

A REGULATION relating to the Department of Motor Vehicles; revising provisions related to the use of the name or initials of the Department in certain advertisements; and providing other matters properly relating thereto.

Section 1. 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:

(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;

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

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

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

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

(II) At least once every 12 months after completion of the initial audit; and

(III) At any other time requested by the Department;

(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:

(I) Not less than once each calendar week;

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

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

(b) Shall not:

(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~~

(3) Use or ~~permit~~ *allow* its employees to use:

(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

(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 ~~{ }~~; *or*

(4) Use or allow its employees to use the name or initials of the Department in any advertisement, unless:

(I) The Department authorizes such use;

(II) The Department provides the image, logo, emblem or other design containing the name or initials of the Department that is to be used in the advertisement; and

(III) The authorized inspection station or authorized station, as applicable, complies with the terms of the Department's authorization, including, without limitation, any conditions imposed by the Department upon the use of its name or initials.

↪ An advertisement described in this subparagraph must comply with any other applicable provisions of this chapter and must not state or imply that the Department endorses the applicable authorized inspection station or authorized station.

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. R008-05**

The Department of Motor Vehicles submits the following statement. The Department adopted regulations assigned LCB File R008-05, which pertain to Chapter 482 of the Nevada Administrative Code on vehicle emission stations participating in the vehicle registration renewal program; advertising and use of Logo and other materials which contain the name and/or abbreviation of the Department of Motor Vehicles.

Notice date: 08/30/2005

Workshop dates: Tuesday, September 20, 2005 10:30 AM Northwest Washoe Co Library 2325 Robb Drive Reno, Nevada	Friday, September 23, 2005 10:30 AM Spring Valley Clark Co Library 4280 S. Jones Blvd Las Vegas, NV
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Hearing dates: Thursday, September 29, 2005 10:30 AM Northwest Washoe Co Library 2325 Robb Drive Reno, Nevada	Friday, September 30, 2005 10:30 AM Spring Valley Clark Co Library 4280 S. Jones Blvd Las Vegas, NV
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Date of adoption by agency: 10/12/2005

Filing Date: 10/31/2005

INFORMATIONAL STATEMENT

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

The Department of Motor Vehicles noticed public workshops for LCB File R008-05 on 08/30/2005 by posting 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 libraries. Special notice was also mailed to those persons who have requested to be placed on a special notice mailing list. A copy of written comments may be obtained by calling the Nevada Department of Motor Vehicles at (775) 684-4565, or by writing the Department's Management Services and Programs Division at 555 Wright Way, Carson City, NV. 89711. No comment or testimony was given by any member of the public at the Public Workshops and Public Hearings. No written comments were submitted to the Department.

2. The number of persons who:

(a) Attended each workshop:

Tuesday, September 20, 2005
10:30 AM
Northwest Washoe Co Library
2325 Robb Drive
Reno, Nevada
12 persons attended

Friday, September 23, 2005
10:30 AM
Clark Co Library, Spring Valley Branch
4280 S. Jones Blvd
Las Vegas, NV
25 persons attended

(b) Attended each hearing:

Thursday, September 29, 2005
10:30 AM
Northwest Washoe Co Library
2325 Robb Drive
Reno, Nevada
03 persons attended

Friday, September 30, 2005
10:30 AM
Clark Co Library, Spring Valley Branch
4280 S. Jones Blvd
Las Vegas, NV
15 persons attended

(c) **Testified at each hearing:** One person asked for clarification regarding signs at the Public Workshop held in Las Vegas on September 23, 2005. No other testimony or questions at any of the other Public Workshops or Public Hearings was received.

(d) **Submitted to the agency written comments:** There were no written comments submitted to the Nevada Department of Motor Vehicles.

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 from businesses through postings as outlined in question one, and by direct mail to the Departments interested parties' list.

A Public Workshop was held, starting at 10:30 a.m. in Reno on September 20th, 2005 at the Washoe County Library, Northwest Branch, located at 2325 Robb Drive in Reno. No comments or questions were received from either the general public or emission testing industry at this Public Workshop.

A Public Workshop was held, starting at 10:30 a.m. in Las Vegas on September 23rd, 2005 at the Clark County Library, Spring Valley Branch, located at 4280 S. Jones Blvd in Las Vegas. One question was received during the workshop. Department of Motor Vehicles Compliance Enforcement Investigator Ted Lipka inquired if all emission stations would be receiving new signs which contain the registration renewal logo. DMV Services Manager Lloyd Nelson responded to Mr. Lipka that only emission stations participating in the vehicle registration renewal program would be authorized to use the Logo. And, participating stations would receive the Logo on a CD, and that no new or additional signs are being distributed. No other comments or questions were received from either the general public or emission testing industry at this Public Workshop.

A Public Hearing was held starting at 10:30 a.m. in Reno on September 29th, 2005 at the Washoe County Library, Northwest Branch, located at 2325 Robb Drive in Reno. No comments or questions were received from either the general public or emission testing industry at this Public Hearing.

A Public Hearing was held starting at 10:30 a.m. in Las Vegas on September 30th, 2005 at the Clark County Library, Spring Valley Branch, located at 4280 S. Jones Blvd in Las Vegas. No comments or questions were received from either the general public or emission testing industry at this Public Hearing.

There was no written comment submitted to the Department of Motor Vehicles.

The summary of responses obtained at each public hearing held may be obtained by contacting the Nevada Department of Motor Vehicles at (775) 684-4565, or by writing the Department's Management Services and Programs Division at 555 Wright Way, Carson City, NV. 89711.

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.

No comments were received during the Public Hearings or in writing, therefore the regulation has been adopted as proposed.

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**
- (b) Both immediate and long-term effects.**

(a) There is no estimated economic effect on the regulated industry, either adverse or beneficial, nor immediate or long-term.

(b) There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

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

There is no additional cost to the agency for enforcement of this regulation.

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 government agency regulations that the proposed regulation amends duplicate.

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 not federal regulations which regulate the same activity as the proposed regulation.

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.

This regulation does not provide or involve a new fee. There is not a total amount expected to be collected or used.