

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

LCB File No. R008-07

June 20, 2007

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

AUTHORITY: §§1 and 2, NRS 445B.785.

A REGULATION relating to vehicle emissions; revising the time within which an administrative hearing must be held concerning the denial, suspension or revocation of a license of an inspection station or an approved inspector; requiring the Director of the Department of Motor Vehicles or his authorized representative to make written findings of fact and conclusions of law within a certain period following an administrative hearing; and providing other matters properly relating thereto.

Section 1. NAC 445B.464 is hereby amended to read as follows:

445B.464 1. The applicant or licensee may, within 30 days after the receipt of the notice of denial or suspension or revocation, petition the Director in writing for a hearing which will be conducted by the Director or his authorized representative.

2. Upon filing the petition, a date for the hearing will be fixed ~~[no]~~ *not* longer than ~~[20]~~ *90* days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify in his own behalf and have such other persons as he desires to be present to testify at the hearing.

3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license of the test station.

4. Within ~~{10}~~ 30 days after the hearing, the Director or his authorized representative will ~~{}~~ *make written findings of fact and conclusions of law and may, without limitation:*

- (a) Grant or finally deny the application; or
- (b) Suspend or revoke the license.

↳ *For good cause shown, and upon agreement of all parties, the 30 day-period provided for in this subsection may be extended.*

5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the Department may, if the Director finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause ~~{}~~ *shown*, the Director or his ~~{designee}~~ *authorized representative* may extend the period of suspension of the license or continue to refuse to renew the license if he deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 2. NAC 445B.490 is hereby amended to read as follows:

445B.490 1. The approved inspector may, within 30 days after receipt of the notice of suspension or revocation, petition the Director, in writing, for a hearing which will be conducted by the Director or his authorized representative.

2. Failure of the approved inspector to petition the Director in writing for a hearing within the 30-day period constitutes an automatic suspension or revocation of the license.

3. Upon filing the petition, a date for hearing will be fixed not later than ~~{20}~~ 90 days after receipt of the request for a hearing, and the approved inspector is entitled to be present at the hearing, to testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing.

4. Within ~~10~~ 30 days after the hearing, the Director or his authorized representative will make written findings of fact and conclusions of law and may, without limitation, suspend or revoke the license. *For good cause shown, and upon agreement of all parties, the 30 day-period provided for in this subsection may be extended.*