

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

LCB File No. R211-07

Effective February 11, 2009

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

AUTHORITY: §1, NRS 481.051, 482.160 and 482.323.

A REGULATION relating to motor vehicles; providing certain requirements relating to the established place of business of a vehicle dealer or broker licensed by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

1. As used in NRS 482.323, the Department will interpret the term “boundaries which are clearly marked” to mean easily identifiable physical exterior partitions and physical interior partitions that separate an established place of business, including, without limitation, the space designated for the display of vehicles for sale or lease, the area designated for an office and any area designated for parking for customers and employees, from any adjacent business.

2. An established place of business must be open to the public Monday through Friday from 9 a.m. to 5 p.m, excluding recognized state and federal holidays, unless alternate business hours are posted in a conspicuous place at the established place of business. If alternate business hours are so posted, the established place of business must be open to the public during those hours.

3. *A dealer may conduct wholesale transactions at a location other than his established place of business.*

4. *Except for the display of vehicles for sale or lease, a dealer may initiate a retail transaction at a location other than his established place of business but must complete all documents related to the sale or lease and finalize the sale or lease at his established place of business.*

5. *A dealer or broker shall not enter into any agreement that imposes a restriction upon or grants an additional privilege relating to the activities conducted by the dealer or broker at his established place of business.*

6. *The local authority must approve the permanent enclosed building to be used by a dealer or broker at his established place of business before the dealer or broker may conduct any activities authorized by his license at his established place of business.*

7. *If a dealer is required by a local authority to provide a parking area for customers at his established place of business, the parking area designated for customers must be separate from the space designated by the dealer for the display of vehicles for sale or lease.*

8. *Unless otherwise required by a local authority, a dealer is not required to establish a physical interior partition in his permanent enclosed building between:*

(a) His business of selling or leasing vehicles; and

(b) A business owned and operated by the dealer which is:

(1) A garage registered with the Department pursuant to the provisions of NRS 487.530 to 487.570, inclusive;

(2) A body shop licensed pursuant to NRS 487.630; or

(3) An authorized inspection station or authorized station.

9. *As used in this section:*

(a) *“Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.*

(b) *“Authorized station” has the meaning ascribed to it in NRS 445B.720.*

(c) *“Broker” has the meaning ascribed to it in NRS 482.0127.*

(d) *“Dealer” has the meaning ascribed to it in NRS 482.020.*

(e) *“Established place of business” means the business that a dealer or broker is required to maintain pursuant to NRS 482.323.*

(f) *“Local authority” has the meaning ascribed to it in NRS 482.0555.*

(g) *“Permanent enclosed building” means an enclosed structure that:*

(1) *Is designed to be used with a permanent foundation or, if designed to be used without a permanent foundation, is capable of being permanently fixed at a location;*

(2) *Has at least 100 square feet of floor space to accommodate an office and secure storage of the books and other records of a business; and*

(3) *Is easily recognizable as an office which is separate and distinct from other adjacent businesses where retail customers may conduct business in an office environment.*

(h) *“Physical exterior partition” means a permanent fence, wall, curb or similar barrier which:*

(1) *Extends an established place of business continuously along the exterior boundaries of any adjacent business, except for areas designed for ingress and egress to the established place of business.*

(2) *For a dealer that is issued a license on or after February 11, 2009, is not less than 18 inches in height and is approved by the local authority to separate his business from another business, unless otherwise restricted by the local authority.*

(i) “Physical interior partition” means a wall or similar barrier that is not less than 7 feet in height and which separates the area designated by a dealer as an office from the area in the same building used by another business.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File R211-07**

The Department of Motor Vehicles submits the following statement. The Department adopts permanent regulations assigned LCB File R211-07, which pertain to Chapter 482 of the Nevada Administrative Code, a regulation relating to motor vehicles; providing certain requirements relating to the established place of business of a vehicle dealer or broker licensed by the Department of Motor Vehicles.

WORKSHOP	WORKSHOP
10:00 AM Monday, November 17 th , 2008 Washoe County Government Complex 1001 E. 9 th St. Bldg C, Room #110 Reno, Nevada 89512	9:00 AM Wednesday, November 26 th , 2008 Community College of Southern Nevada 6375 W. Charleston Bl. Building C, Room Number 277 Las Vegas, Nevada 89146

Northern Nevada (Reno) Public Workshop Notice Date: October 23, 2008
 Southern Nevada (Las Vegas) Public Workshop Notice Date: October 30, 2008

HEARING
9:00 AM Wednesday, December 17 th , 2008 Community College of Southern Nevada 6375 W. Charleston Blvd. Building C, Room Number 277 Las Vegas, Nevada 89146

Public Hearing Notice Date: October 30, 2008

Date of Adoption by Agency: December 23, 2008 and upon approval of Legislative Commission.

INFORMATIONAL STATEMENT

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 the Northern Nevada public workshop for LCB File R211-07 on October 23rd, 2008, by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The Department of Motor Vehicles also noticed the Southern Nevada public workshop for LCB File R211-07 on October 30th, 2008, by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. Both workshop notices were posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on an Interested Parties special notice mailing list.

The Department of Motor Vehicles noticed public hearings for LCB File R211-07 on October 30th, 2008, by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The notice was posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on an Interested Parties special notice mailing list.

No comment or testimony was given by any member of the public at the Public Workshops and Public Hearing. No member of the public submitted written comment to the Department.

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: The Department of Motor Vehicles noticed the Northern Nevada public workshop for LCB File R211-07 on October 23rd, 2008, by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The Department of Motor Vehicles also noticed the Southern Nevada public workshop for LCB File R211-07 on October 30th, 2008, by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. Both notices were also posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on an Interested Parties special notice mailing list.

The Department of Motor Vehicles noticed the public hearing for LCB File R211-07 on October 30th, 2008, by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The notice was also posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on an Interested Parties special notice mailing list.

No comment or testimony was given by any member of an affected business at the Public Workshops and Public Hearings. No member of an affected business submitted written comment to the Department.

A copy of the minutes for the public workshop and public hearings may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division by telephone at (775) 684-4805.

A copy of the minutes for the public workshop and public hearings may also be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division in writing at the following address:

Nevada Department of Motor Vehicles
Compliance Enforcement Division
555 Wright Way
Carson City, Nevada 89711-0900
Attention: Ivie Harper, Administrative Assistant III

The number of persons who attended each Public Workshop: No individuals representing the general public or an affected business attended the Public Workshop in Reno on November 17th, 2008. No individuals representing the general public or an affected business attended the Public Workshop in Las Vegas on November 26th, 2008.

A summary of questions and comments received at each Public Workshop: No comment was received by anyone representing the general public or affected business.

A summary of written comments submitted to the agency: The notice for Public Workshops invited written comments from the public and affected businesses, with a deadline for written comments to be received by November 14th, 2008. No written comment was received from either the general public or affected businesses.

The number of persons who attended each Public Hearing: No individuals representing the general public or an affected business attended the Public Hearing in Las Vegas on December 17th, 2008.

A summary of testimony at each Public Hearing: No testimony was offered at the Public Hearing.

A summary of written comments submitted to the agency: The notice for Public Hearing invited written comments from the public and affected businesses, with a deadline for written comments to be received by November 25th, 2008. No written comment was received from either the general public or affected businesses.

If the regulation was adopted without changing any part of the proposed regulation, list a summary of the reasons for adopting the regulation without change. The Department of Motor Vehicles has submitted the proposed regulation, to be considered for adoption as originally written.

List 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.

List 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.

List 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,

list the name of the regulating federal agency: There are no other state or federal government agency regulations that the proposed regulation amendments duplicate.

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 no federal regulations that regulate the same activity as the proposed regulation.

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. A total fee amount is not expected to be collected or used.