

LCB File No. R008-09

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

(This regulation was previously adopted as T015-08)

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

AUTHORITY: Sections 1, 2 and 4, NRS 481.051; section 3, NRS 481.051, NRS 487.654

A REGULATION relating to body shops and the certification of specific body shops as “Class “A” facilities; setting forth criteria for that certification and the penalties for failure to maintain that criteria.

Section 1. Chapter 487 of NAC is hereby amended by adding thereto a new section to read as follows:

1. An auto body repair facility licensed pursuant to chapter 487 of NRS may apply for certification as a “Class “A” Body Shop” as defined by NRS487.604 and NRS 487.606.

2. In addition to the requirements set forth in NRS 487.652, certification as a class “A” body shop will require that the body shop meet, maintain and show proof of the following;

a. That the body shop possess both garage keepers’ and workers’ compensation insurance policies with each having applicable coverage in an amount of not less than one million dollars.

3. Every class “A” body shop shall incorporate~~ed~~ and maintain as part of its class “A” facility;

a. The specialized equipment necessary to obtain proper repair specifications for each vehicle being repaired.

b. Those specifications may be obtained from any of the following sources;

1) The manufacturer of the vehicle being repaired, or

2) The manufacturer of the equipment used to repair the vehicle, or

3) The industry accepted standards for the repair of the vehicle.

c. The equipment necessary to make three dimensional measurements of vehicles being repaired that provide a computerized printout of measurements made before and after repairs of each vehicle being repaired, and;

d. At least one vehicle lift with a weight lift capacity of not less than ~~nine~~ seven thousand ~~(9000)~~ 7000 pounds manufactured by a recognized vehicle lift manufacturer and of one of the following designs:

1) Scissor lift,

2) Two post lift,

3) Four post lift.

e. A computer assisted four wheel alignment rack.

f. A frame repair rack comprised of a minimum twenty (20) foot bed and six thousand (6000) pound weight capacity with a 360 degree pulling radius that supports a four post chassis clamping system capable of providing a secure grip on either the conventional frame itself or, if a unibody vehicle, the unibody rocker sills.

g. Multiple pulling posts capable of being securely locked to the frame rack.

h. An engine hoist having a maximum lift capacity of not less than one thousand (1,000) pounds.

i. A downdraft style paint booth which includes:

1) A painted surface baking capability, and;

2) Approval and certification if required, by local authorities having jurisdiction over the operation of such devices.

j. An inverter resistance welder.

k. A MIG (metal inert gas) welder.

l. Refrigerant handling equipment recognized by the United States Environmental Protection Agency as meeting CFC 12 standards. Each “Class A” facility must register use of such equipment with the United States Environmental Protection Agency.

The welding devices noted above may only be operated in a class “A” facility by mechanics holding the appropriate industry certification credentials for operating such welding devices.

4. A class “A” certificate holder or applicant must;

a. Acquire and maintain in good standing, an “I-Car Gold” certification from the “I-Car Industry Training Alliance.”

1) I-Car Gold and above certification and training shall be obtained from, and provided to its employees through a training provider approved by the I-Car Gold Industry Alliance.

b. In lieu of requirements within section 4(a), class “A” certificate holders or applicants may acquire and maintain in good standing the Automotive Service Excellence (ASE) Blue Seal of Excellence, relating to Collision Repair & Refinish.

~~[(b-)]~~ *c. Acquire and maintain valid MVAC (Motor Vehicle Air Conditioning) certification provided by an instructor or training program that has been certified by the Federal Environmental Protection Agency (Federal EPA).*

~~[(e-)]~~ *d. Acquire, use and maintain a “Uniform Hazardous Waste Manifest” that is approved by The Federal Environmental Protection Agency.*

~~(d.)~~ e. *Acquire and maintain a valid Federal EPA number identifying the class “A” body shop as a hazardous waste handler, allowing the class “A” body shop to legally generate, transport, treat, store or dispose of hazardous waste.*

5. *A class “A” body shop must ensure that all original equipment and after market replacement occupant restraint devices meet the specifications of the original equipment manufacturer.*

a. *Only mechanics holding the appropriate Automotive Service Excellence (ASE) credentials or I-Car certified mechanics credentials may inspect and verify that original or aftermarket equipment occupant restraint devices meet the specifications of the original equipment manufacturer.*

b. *Those devices include, but are not limited to:*

1) *Original equipment air bags installed on any make and model vehicle.*

2) *Original and replacement equipment lap and shoulder restraint seat belts.*

6. *A class “A” body shop must have and maintain an agreement with one or more third party Consumer Satisfaction Index Verification Companies for the purpose of documenting customer complaints and responses regarding the class “A” body shop’s services and repairs.*

7. *Both a body shop and a body shop having a class “A” certification that does business at more than one location, shall designate one location in each county in which he does business as his principal place of business for that county and one name as the principal name of his business. He shall designate all of his other business locations not otherwise designated as a principal place of business pursuant to this subsection as branches.*

8. *Both a body shop and a body shop having a class “A” certification shall keep their books and records for all locations at which they do business within a county at their principal*

place of business within that county and permit any authorized agent of the Director or the State of Nevada to inspect and copy their books and records during usual business hours.

a. Unless otherwise posted, usual business hours are defined as the hours of 9:00 AM to 5:00 PM, Monday through Friday, except recognized legal holidays.

b. Both a body shop and a body shop having a class “A” certification whose business hours differ from usual business hours shall post their business hours where they are easily seen by business customers.

c. Both a body shop and a body shop having a class “A” certification must adhere to either usual or posted business hours.

9. If for any reason should the books and records of a body shop or a body shop having a class “A” certification not be available for inspection during usual business or posted business hours, the body shop owner shall not later than 3 business days after receiving a written request from an authorized agent of the Director or the State of Nevada for the production of the books and records or any other information, provide the requested books, records and other information to the authorized agent at the location specified in the request.

10. The owner of a body shop or of a body shop having a class “A” certification shall retain his books and records for 3 years after he ceases to be licensed as a body shop.

Section 2. *Grounds for denial, suspension or revocation of a class “A” body shop certification.*

1. An application for certification as a class “A” body shop may be denied, or an existing certification suspended or revoked on the following grounds;

a. Failure of the body shop principal to comply with any provision of Nevada Revised Statutes applicable to the operation of a body shop as defined in NRS 487.610 to NRS 487.685

inclusive, or any rule or regulation adopted pursuant thereto.

b. Failure of the body shop principal to maintain any requirement for certification of a class “A” body shop specified in NRS 487.652, or any rule or regulation adopted pursuant thereto.

c. Engages in a deceptive trade practice as defined in NRS 598.015 to NRS 598.0925 inclusive, in the operation of a body shop.

d. Engages in any other acts prescribed by the Department by regulation as a deceptive trade practice.